Previous references.

A. R. 377-11(1-3)13 1912. 13

(C5)

Later references.

File No. 347-12

Serial Nos. 1-10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-10

Part B. for April 14

SUBJECT.

Irregularities on the part of Mr. H. Venkatanarasiah, Amildar, Tragi of the Shikarpur Taluk.

1. From The Regr Chf Ck 4400-345 Dy 28.6.13 states that the D. M. Shimoga has found records 38 cases were missing & though he issued more than one order to produce them he has neither sent the records nor a reply

2. To The Regr Chf Ck the Dy Comr & the D. M. Shimoga & the Asst. Comr Nyanagar the Comptr, Mysore Govt. Requests the Dy Comr to direct the Amildar to have over charge of the Tragi to the Jr Sheristadar to appear before him with his explanation

3. From The Dy Comr Shimoga DK Telg. 12/RT Dy 8.7.13 G. R. S. 58 states that the Amildars explanation has not yet been received

P. T. O

M. G. Hons
22.10.14

Wire action taken on Govt order
of 8th July regarding Amildar Shikarpur
& how matter stands now.

Reply received as follows.

Shikarpur Amildar appeared & .
will report after obtaining his explanation

3 From The Dm. Shimoga 38/R 23 of 25/7/13.
Forwards a copy of letter No. 33/R.23
of 20.7.13 reporting on the explanation
furnished by the Shikarpur Amildar

4. From The Rev. Comm No. 912 of 26/7/13.
Forwards the report of the Dy Comm
Shimoga in the matter of the missing records

5 From The Regr. Chf Ct 500/27 of 28/7/14.
Forwards the Shikarpur Amildars
explanation & states that the Chf Ct
agree that the explanation is not satisfactory

6. To The Dm Shimoga, the Comptr to Govt.
the Rev Comm Mysore the Regr Chf Ct
Directs the Dy Comm & Dist Magte
to call upon the Amildar to submit
a detail explanation & submit for further
~~report~~ orders a full report.

7. From The D. M. Shimoga C-105 of 14/10/13
Forwards the explanation furnished
by the Amildar

8. From The Dm Shimoga 236/J20 of 15/19/11/13.
Forwards the final report.

9. To The Dm. Shimoga, the Rev. Comm the Comptr
& the Regr Chf Ct No. 2342-5 of 14/2/14.
Directs that he be posted to another Tk
~~with a wa~~

10. To The D. M. Shimoga. Rev. Comm Comptr & the
Regr Chf Ct
~~states~~ Directs that he be given full
pay for the days he was awaiting orders
to join his new station.

3759 I. 147.

Subm. No. 4.
5.7.13

G.R.S. 11] 1913

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 347 of 13

FILE HEADING.

Irregularities on the part of Mr. H. Venkatnarasaiya, Amildar-Magistrate of the Shikarpur Taluk.

From

The Registrar, Chief Court, Bangalore

No. 4470-345 Dated 28-6-13 Received 30-6-13

Diary No. 3759	Enclos. 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the Dt. Magte, Shimoga, has found that on the inspection of the Court of the Taluk Magistrate, Shikarpur ~~for~~ 38 records in 38 cases were missing and that though he issued more than one order to the Amildar (Mr. H. Venkatnarasiah) to produce them, he has not only not complied with the order but has not even replied sent a reply.

NOTES AND ORDERS.

The Chief Court is of opinion that the matter is one which calls for severe notice & that the Magistrate deserves to be placed under suspension.

SN
30/6/13

27 to many as 38 records of Criminal Cases of the year 09-10, 10-11 &11-

NOTES—First Sheet.

GPB—35,000—15-6-12

General and Revenue Secretariat. | CH. File No. 347 of 1912.

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have been
are reported to the missing, at the
time of the inspection of the Amildar
Magte Court by the Dt Magte
in April last. The Dt Magte states
he issued two orders to the Amildar
to trace all the missing records &
submit them & scrutiny but that
his orders were of no avail
It is not clear if the explanation
of the Amildar was not obtained
at once as soon as the missing of
the records came to the Dt Magte's
notice

3) It is also reported that the
calendar copies of the Judgments &orders
in these cases were not received in the
Dt Magte Office

4) The Chief Court are of opinion
that the Magte deserves to be placed
under suspension. The Magte in
question is Rao Sahib Venkatanarasimha
who has been acting as Amildar
since Dec. 1908. He was confirmed in September 1912
He has been
a 3rd class Magte since 18th Dec.
1908 & a Second class Magte
since 1st Nov. 1912

Submd & order

Vide History of Services of Amildars put up

NOTE—Contn. sheet.

5) Dy Secy
Submd to the
Secy as the Dy Secy is out on Mysore
SBM 30/6

SBM
30/6

GPB—65,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat. | Cy File No. 347 of 1912-3

Serial No.

1st Carmaker

✓ Dewan

K 3
30/6 SM 3/7

67) I think that the extreme step of suspension is not needed at once. The Dy Cr may be asked to report at once whether the explanation called for has been since submitted, and if ~~so to~~ received to send up a copy at once & also to report whether the records have been traced.

7) If no explanation has been submitted, the Dy Cr may order the Amildar to place the Taluk Sirastedar in charge and appear before him to give personal explanation. ~~Dr~~

Further action may be

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Subs 4
5-7-13

4

F. R. S. 12].

General and Revenue Secretariat. | File No. 347 of 1912-13

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determined on the result of such examination.

3/7/13

Dewan

3834
5-7-13

KSh
5/7

8) Telegram sent to Dy Comr, as promised. Shd Dewan's communication to Dy Comr. On receipt of reply, file to be submitted again to Dewan for orders.

KSh
5/7

9) The Dist. Mag of Shimoga writes that the explanation is not received yet:

Dewan)

Dy Comr's letter 7/7

Recd again 7.7.13

Please see order of Dewan on next page

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

Ch File No. 347 of 1913

Serial No.

Urgent.

10) The Deputy Commissioner may be requested to ask the Amildar to hand over charge to the Taluk Sheristedar and appear before him personally within three days with his explanation. If he fails to do so or the Deputy Commissioner considers that his explanation is not satisfactory, the Deputy Commissioner may direct the Amildar not to take charge of the Taluk pending further orders and report the case to Government.

11) As regards the anonymous petition contained in the other file, the petition may be forwarded demi-officially to the Deputy Commissioner for a thorough local enquiry and report within a fortnight through the Revenue Commissioner.

8.7.13 RG

12) Put up draft telegram as per para 1 of the Diwan's order: and confirm it by a letter. Action on para 2 ⊛ of the same should be taken in the connected file. The Head of the Branch will attend to these matters personally. Telegram should issue before 12 noon. d the Sheristedar today.

Done 8/7

13) Draft telegram Subj. This has to issue from BR III.

S

8/7/13

Dr Fer) Sd/- 8/7

14) Dmp. Let the draft of an order be put up now Done 8/7

15) Sd/- 8/7

⊛ Extract taken

S

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | Cs File No. 347 of 1912-3.

Serial No.	
	with a draft order. The telegram has been issued. SW 8/7/13
	16) (Dy Secy) Issue as revised. Spdl 8/7 Draw 8/7
2	To The Registrar, Chief Court. The Dy: Com[r] & Dist: Magte, Shimoga Dt. The Rev: Com[r] in Mysore proforma. The Comptroller, Mysore Gat. No J 81-4/B 8-7-13
	Requests the Dy: Com[r] to direct the Amildar to hand over charge of the taluk to the Taluk Sheristedar & appear before him within three days with his explanation and to report the case to Govt if the Amildar fails to do so or his explanation is considered unsatisfactory.
J125 Desk. 19.10.14	From the Dy: Com[r], Shimoga Dt. No 12/R7 dy 8.7.13
	Confirms the telegram of the 6th inst and states that the Amildar's explanation has not yet been received in spite of several reminders.
	17) The telegram now confirmed was seen by the Dewan before the order contained in SL 2 was passed.
	18) May the report called for in SL 2 be awaited? Sd/-
	Mg.-129 SW 10/7/13
	19) Yes Spdl 10/7

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

3759

F. R. S. 12]

General and Revenue Secretariat. | CS File No. 347 of 1912-13

Serial No.

20) Please write today, inquiring what action was taken on the G.O. (latest) and how the matter stands. Draw 12/7

21) ~~Write send as follows:~~
Draft telegram submr.
CS 12/7/13
Draw. Draw 12/7

Telegram issued as follows:—
To Dy Comr Shimoga.
Wire action taken on Govt order of Eighth July regarding Amildar Shikarpur and how matter stands now.

Reply received as follows:—
Shikarpur Amildar has appeared before me today will report after obtaining his explanation.
Deputy Commissioner.

22) Subd for information. The telegram was seen by the Dewan.
SW 15/7

23) If the further report promised may be awaited
Dr Secy) Draw 15/7 SDK 15/7 SDK

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

~~347~~ 125. 8

G. R. S. 12]

General and Revenue Secretariat. | Cl. File No. 347 of 1912-13.

Serial No.

24) Subd. The report promised has not been received till now. May a wire be issued to the Dt. Magte as follows: —

"Has Shikarpur builders explanation been obtained. Please wire when further report promised may be expected.

General Secretary"

SV 22/7/13

Dy. Secy) SPdl 22/7

Secy) Dmc 22/7

25) A telegram may be issued as above.

Dmc 22/7 Dmc 22/7

26) Telegram sent on 22/7/13.

~~Subd. No reply has been received.~~ The following

SV 24/7/13 reply was received from the Dy. Comr: —

"Report about Shikarpur Builders sent to-day thro' Rev. Commissioner"

27) Subd. for orders. The report sent thro Rev Comr. pertains to a different Subject. The report as regards missing records does not seem to have been sent. May a telegram be issued to the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

Ct. File No. 347 of 1912-3.

Serial No.	
	Dt. Magistrate as follows:—
	"Your Report on Shikarpur Amildar's explanation regarding missing Criminal records not received. Please expedite
	General Revenue Secretary
	SN 25/7/13 Dr (sent) yes — Sent 25/7 Draft 25/7
	To Mr Venkatnarasayya the Tehsildar (Amildar) SN/25/7 25/7
	From
3	The Dt. Magistrate, Shirpur,
	No. 38/R 23 d: 25-7-13.
	Forwards a copy of letter no 33/R 23 d: 20th July 1913 sent thro' the Rev: Comr. reporting on the explanation furnished by Mr. H. Venkatnarasayya, Amildar, Shikarpur Taluk regarding the missing of certain criminal records of his Court.
	28) The Amildar explains that the records referred to by the D.C. have been traced & sent to the record room on the 8th May 1913 and that most of the records were found with the Revenue & other miscellaneous papers pending with them while a few were submitted to the Dt. Magistrate, (being B & C reports ~~forwarded~~ ~~forwarded~~

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

Serial No.

made by the Police & one for enhanced punish-ment. In most of the cases, Calendars were not submitted to the District Magis-trate & the Amildar does not explain why no calendars were sent.

29 The Dt. Magistrate says that he did not permit him to join the Taluk & has granted a months' privilege leave to which he is entitled. He adds that as the present Sheristadar of the Shikarpur Taluk is under orders of transfer to Sagar Sub Div. office & as his name is not included in the list of eligible candidates for Amildari, he has directed S. Narayanrao B.A. Ag Head clerk, Shimoga Dt. to take charge of the Taluk pending sanction of Govt.

Submit for orders.

CW
26/7/13

30) The Explanation of the Amildar is indeed very cursory & unsatisfactory. It is silent on the following points:-

(a) why Crl. records should be mixed up with other Mis. papers pending with him

(b) why no efforts were made to have them at the time of the Dt. Magte's

NOTE—Contn. sheet.

GPB—35,000—17-6-12.

General and Revenue Secretariat. | File No. 347 of 1912.

Serial No.

inspection

(c) Why, when the record missing records were traced on the 9th May, he failed to reply to the Dt Magte's letters till the end of June, when the Dt Magte made his report to the Chief Court.

(d) Why no copies of Judt in the 28 cases referred to were sent to Dt Magte with the ~~were~~ forwarded the q+p/Cr through the Chief Court. The receipt of this report may also be awaited.

31) Dy Secy) SSM 26/7

Now that the explanation is received, which is rightly answered by the Deputy Commr & District Magistrate, to be unsatisfactory. Some order will be necessary about the suspension already recommended by the Chief Court.

Dy Secy) Dy Secy 26/7 SM

32) The reports from the D.C.'s to the Chief Court may be awaited & if they are not received within 3 days the papers may be resubmitted for orders.

WS 26/7

Dy Secy 28/7 SM 28/7

NOTE—Contn. sheet.

GPB—35,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat. | Cb File No. 847 of 1912

Serial No.	
4	From the Rev: Commissioner in Mysore, No: 912/1 dated 26th July 1913. Forwards the report of the Dy Comr, Shimoga in the matter of the missing of criminal records in the Shikarpur Amildars Magistrates Court and states that the Amildar should ~~be~~ not have been granted privilege leave in anticipation of Sanction. 33) Subd for orders. Report from the chief Court may be awaited. SN 28/7/13 34) For perusal of the Rev. Comrs report. The Chief Courts report will be awaited as already ordered by the Govt. Spdt 28/7 Dr Govt) Draft 28/7 SN
5	From the Registrar, chief Court of Mysore No: 500/27 dated 28th July 1913. Forwards the explanation of Mr. H. Venkatnarasaiya, Amildar of Shikarpur in regard to irregularities rfd to above & states that the chief Court agree with the Dr. Magistrate, Shimoga that the explanation is not satisfactory.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

35) The following were the irregularities observed in the inspection of the Court:—

1) missing of records in nearly 38 cases.

2) Passing no orders in a case until 25th April 1913 - the date of inspection - though the hearing had closed on 6.1.13.

3) Violation of the provisions of ~~para~~ of Rules of Practice in not recording orders in the order sheets.

The chief Court is of opinion that the explanation subd by the Amildar are not satisfactory and that he is not fit to exercise magisterial powers.

SW 30/7/13 Dy Secy) SPM 30/7

Secy) I have noted my views in para 31. Dy Secy 30/7

~~Secretary~~

37) As the case is reported in an irregular manner & the Court are also pressed up. WS 30/7 Dy Secy 31/7 SPM

Read at 5.30 pm CW 31/7

NOTE—Contn. sheet.

1st Cir

GPE—65,000—1,7-6-12.

G. R. S. 12]

General and Revenue Secretariat. — File No. 347 of 1912

Serial No.

34) The local officers have no suspicion that the Amildar had any corrupt motive for his conduct. The Amildar as Magistrate can be considered on the materials to have been guilty of gross negligence in (1) not writing judgment within a reasonable time of closing the cases. (2) not sending Calendars of Cases decided within the time required by the rules XX(3) not keeping Criminal records in the proper places and carelessly throwing them away among other papers in his house & (4) his failure to reply to the D. M's queries promptly.

39) The Amildar's explanation is perfunctory and does not touch all the points requiring explanation. But this defect ~~is as much due to his fault as that of~~ might (& indeed ought to) have been remedied by the

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

G. R. S. 12]

General and Revenue Secretariat.

Cb File No. 347 of 1912

Serial No.

Dy Commr questioning him fully and ~~taking~~ getting his replies recorded.

4°) Since the Asst Commr has been called up for explanation to the Dist. Hd Qrs and relieved of the charge of the office, there is no particular urgency in the ~~qtn~~ matter of placing him under suspension. The Dy Commr may be asked to obtain further and fuller explns on all the points (interrogatories here being framed) and Govt may decide once for all what punishment may be awarded to him, and along with it also decide what should be his status during the period between his relief from the Taluk & the final order of Govt. There seems to be no ~~possible~~ harm in keeping him in Srisanka Swarga in the meanwhile.

Or better perhaps, the Amildar may be asked to report himself here for examination.

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

1/8/13

G. R. S. 12]

g 359

Ub

General and Revenue Secretariat.

Ub File No. 347 of 1912 -

Serial No.

Rec'd 4-8-13

Dewan

L/R 2nd Dec 1/8 SPR

41) Please circulate to 2nd Com all papers & limits the Amildar should be placed under suspension.

2.8.13 Rb

2nd Counsel

L/R 2/8/13 2nd Dec 2/8 SPR

42) Though, in the absence of more definite information, we cannot charge the Amildar in question with dishonest motives, yet, in my humble opinion, his conduct as has been brought out in the enquiry held by the D.C., is, to say the least, very suspicious. The explanation tendered by him in defence of his conduct is far from satisfactory & is not acceptable. I have no objection to his being suspended & further enquiry, preferably by the D.C., before Govt. pass final orders in his case. But in the meantime, I think, he ought to be placed under suspension forthwith. There are sufficient grounds for

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

Cb File No. 347 of 1912-13

Serial No.

to posting an action.

578/13

4406/5-8-13

Dewan

5-8 Dewan 5/8 SM

GPE—65,000—17-C-12.

Submitted to His Highness.

A

43. On the 28th of June 1913, the Chief Court brought to the notice of Government that the District Magistrate of Shimoga found during the inspection of the Court of the Taluk Magistrate of Shikarpur that records in 38 Criminal cases were missing and that though the District Magistrate issued more than one order to the Amildar (Mr. H.Venkatnarsiah) to produce them, he not only did not comply with the order, but did not even send a reply. The Chief Court thereupon recommended that the Amildar-Magistrate should be placed under suspension.

B

44 2. In order to give the Amildar an opportunity of explaining the serious irregularities discovered by the District Magistrate, I directed the Deputy Commissioner, in consultation with the Councillors, to call upon the Amildar to hand over charge to the Taluk Sheristedar and appear before him personally within three days from receipt of order with his explanation and not to allow him to take charge of the Taluk, if he failed to do so or if his explanation was found to be unsatisfactory.

Enclosure to "C"

45 3. In pursuance of this order, the Amildar appeared before the District Magistrate and furnished an explanation which the District Magistrate considers unsatisfactory. The Amildar's explanation was that the records referred to by the Deputy Commissioner have all been more or less traced and sent to the record-room on the 8th May 1913 and that most of the records were found with the Revenue and other miscellaneous papers pending with him, while a few which were B and C reports, were submitted to the District Magistrate. He also admitted that calendars and copies of judgments were not submitted to the District Magistrate in 28 out of 32 cases as required by the rules of practice. The

District Magistrate examined the records of these cases and found that 19 cases ended in acquittal, 1 in discharge and 12 in conviction. He also reported that he was ascertaining from the Taluk treasury records, whether fines imposed in 6 cases had been realized or not.

46 4. As the District Magistrate found the Amildar's explanation not to be satisfactory, he gave him privilege leave for a month pending orders of Government on his explanation, but the Revenue Commissioner has cancelled the leave on the ground that the grant of leave was contrary to the directions of Government.

C Encl 6 Sl 3

D. Sl 4.

47 5. The First Councillor is of opinion that the Amildar's explanation is perfunctory and does not touch all the points requiring explanation and this ought to have been remedied by the Deputy Commissioner questioning him fully and getting his replies recorded, that further enquiry was necessary and that pending the results of such enquiry, the Amildar need not be placed under suspension but allowed to continue without a charge, his status during the period between his relief from the Taluk and the final orders of Government being left for decision at the time of passing final orders.

Pages 14 & 15 of notes -

48 6. The First Councillor is however of opinion that on the information available, the Amildar as Magistrate can be considered "to have been guilty of gross negligence in (1) not writing judgments within a reasonable time after closing the cases, (2) not sending calendars of cases decided within the time required by the rules, (3) not keeping criminal records in the proper places and carelessly stowing them away among other papers in his house, and (4) his failure to reply to the District Magistrate's queries promptly."

49 7. The Second Councillor is of opinion that though in the absence of more definite information, we cannot

Page 16 of notes

charge the Amildar with dishonest motives, yet, his conduct, as has been brought out in the enquiry held by the Deputy Commissioner, is to say the very least suspicious and his explanation far from satisfactory and that further enquiry may be held, but the Amildar should in the meantime be placed under suspension forthwith.

50 8. I agree with the Second Councillor that the Amildar should be placed under suspension at once. It is necessary that there should be some further enquiry as the reasons which prompted the Magistrate in keeping back the records and not sending calendars of judgments have not been elicited. It is also necessary to enquire whether the judgments now placed in the records of each case correctly indicate the decision that was really passed. The First Councillor suggests that interrogatories should be framed as regards the points on which further and fuller explanation is needed. As the matter is one relating to the Administration of Justice, the Deputy Commissioner will be requested to conduct further enquiry under the directions of the First Councillor.

51 9. In this connection, I may also state that an anonymous petition was received containing most serious allegations against the Amildar and though some of the charges mentioned in it seem to be unfounded, the Amildar's explanation leaves an impression that he is very weak and unfit to hold a position of authority.

Sindh file No: LR 52-13

52 10. I solicit sanction to place the Amildar Mr. Venkatnarsiah under suspension from the date on which he was relieved of the charge of the Shikarpur Taluk and to order a further enquiry by the Deputy Commissioner into the irregularities brought to notice.

M. Visvesvaraya
7th August 1913

B11

Record of Cases submitted for the Orders of His Highness the Maharaja

(2 files)

Subject.

Proposal to place Mr. Venkatanarasiah, Amildar of the Shikarpur Taluk, under suspension, pending enquiry into certain irregularities reported against him.

10H

Order.

53 Sanctioned

~~KRW~~

8/8/13

Secretary

9.8.13. RC

54. B iii

Draft to be put up for submission to H.H. the Maharaja

WB 7/8

Dewan Sahib

Dep. Secy

10 (Ganesh)

T. R. S. 12]

General and Revenue Secretariat.

File No. 347 of 1912

Serial No.

5 Subd with a draft order -

SW 11.8.13

Dy Secy 11/8

56 As per para 54.

Dy Secy 11/8

1st Councillor

57 Draft appd by the First Councillor with a slight addition.

courts

DNJ 11.8.13

Dy 11/8 Dy Secy 11/8

6 To The Dist. Mgte., Shimoga
The Comptroller, Mysore Gat
The Resr Coun in Mysore.
The Registrar, Chief Court.
No J544-7 Dy 12.8.13

Directs the Dy Coun & Dist. Mgte to call upon the Amildar to submit a detail explanation after such further investigation as he may consider necessary & submit for further orders a full report and directs also that, pending orders of Govt on such enquiry, the Amildar be kept under suspension from the date on which he was relieved of the charge of Shikarpur Tk.

P.T.O.

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

G. R. S. 12]

General and Revenue Secretariat.

cls File No. 347 of 1912-13

Serial No.	
7	From the Dy: Comr & Dist. Magte., Shimoga No C 103 Dy 14-10-13 Forwards an ad interim report on certain irregularities on the part of M. H. Venkatanarasappa, Amildar of Shikarpur, now under suspension, and encloses the explanation furnished by the amildar.
Paper under disposal	58 The Dist. Magistrate reports that a further enquiry is rendered necessary by certain statements made by the Amildar in his present explanation and promises to visit Shikarpur again early in Nov and submit a final report before the 15th idem.
Flag V	59 In paras 16 & 17 of the explanation Mr Venkatanarasappa controverts certain observations made in the G.O. placing him under suspension. The connected file containing the G.O. was sub to the dewan with the D.O. reed from Mr K. Mathan intimating transmission of the ad interim report now reed.
	60 Sub to orders. Rg.-116 19/10/13 (Sd) Seed 61 The report promised by the Dy Comr (on or before 15th Nov next) may be awaited.

20/10

Dum 21/10

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

(Sd) 1st Comr & Dewan.

23/10 Dum 23/10

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 347 of 1912-13

	Serial No.	
Vide r. note below	62	Ad interim report recd with 817 Secy the 1st Councillor and the Dewan.
	8	From the Dy: Com^r & Dist. Magistrate Shimoga.
		No 236/320 Dy 15/19 - 11-13
		Forwards the final report in the case.
IV paper under disposal	Subd.	63. The Dy: Com^r thinks that the Amildar has been guilty beyond doubt of gross negligence in respect of
* 7 pages-O		the four points referred to in para 5 of the G.O.* directing the Suspension of the Amildar and adds
Para 3 of IV paper under disposal		that Mr Venkata narasappa's statements cannot be fully believed in view of the antecedents that he is alleged to have brought about in regard to the transferring of the records to the Record-Keeper.
Para 5 of do		64. From the records perused by the Dist. Magistrate, he is of opinion that the judgment of the Amildar has however not been perverse in any case thus confirming the view said to have been entertained by his predecessor and by the Sub Div^l Asst Com^r that there was no reason to suspect the Amildar's honesty.
		KG-116
		22/11/13
		65. The Dy Com^r after further enquiry is of opinion that it has

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

J1553

G. R. S. 12]

General and Revenue Secretariat. | Ch File No: 347 of 1912.

Serial No.

been clearly proved that the amildar has been guilty of gross negligence with respect to the four points noted in the Govt order viz (1) not writing judgments within a reasonable time (2) not sending Calendars of cases decided within the required time (3) not keeping Crl records in their proper places & (4) in failing to reply to the Dt Magts queries promptly. The explanation of the amildar on all these points is quite unconvincing & unsatisfactory.

66. The Dy Comr states that the Amildar's motive in these matters does not appear to be dishonest & that it was only his procrastination that led to such results.

67. The question as to what should finally be done with the amildar has now to be considered

Dy Secy

68. The most serious charge found against the Amildar is that of want of veracity and an improper withholding or antedating the receipt of Criminal records into the

SPM 29/11

GPB—60,000—25-9-13.

Serial No.

Record-room :- If this is taken as satisfactorily established, it follows that the guilt implies a serious defect of moral character unbecoming of a public servant. The four irregularities the late Bundar is decreed guilty of are sufficient to prove his unfitness for any independent & responsible office. He gave satisfaction, I remember, in a subordinate ministerial appointment subject to much closer control than the office of an Bundar; and that seems to be the line in which he may be given a fair trial once more.

(Secy.) Dumraon
26/11/12

by.

There are two files entitled together in the (1) Collectorate Dumraon (2) the file relating to some anonymous petition against him.

70. There was also another file relating to certain irregularities in respect of some Govt or L.B. works in the Collectorate from the same Dumraon. This file may also be put up.

by
26/11, Dumr 26/11
Secy

71. Sub. Municipal file 187 of 1913 obtained from Br IV is also putup.

Kg-116
28/11/13

(Secy.)

28/11

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

1553

[G. R. S. 12]

General and Revenue Secretariat. | File No. 347 of 1912 13

Serial No.

1st Counsellor.

23
29/11/13

72. I have known this Amildar for some years, and while he was a clerk in the Secretariat, he left a favourable impression in my mind about his character, though I did not consider him specially brilliant. In this case, the opinion of all the District Officers is that he has not been guilty of any corrupt motive. I think that Mr Heath is right in attributing all that he has done to his not having written up diaries in proper time. As in many other similar cases, it is unfortunate that the officer while not guilty or while only to a very insignificant extent ~~Charges in Mat-~~

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

[G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 347 of 1912-13

Serial No.

on the substantial charges made against him, should in trying to justify himself fall into what turn out to be more serious lapses.

73. What would be an adequate punishment in such cases is a difficult question. I would prefer to arrive at a conclusion after discussion at a meeting.

Hare

6852
27.12.13.

Dewar

24/12/13

Dww 26/12

74. Please bring up at the next meeting of Council the Secretary should be asked to bring up proposals for discussion. 15.1.14. RB

75. Circulate 2 2nd Convocation note for meeting. ZB

76. Secy

Well

1911

By.

RJ.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

GPB—1,000—19-7-13

29 (29

Extract from the Proceedings of the 310th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 21st January 1914.

6. SUBJECT. - (Clause v of the Schedule).

Question of dealing with Mr.H.Venkatanarasiah, Amildar of Shikarpur Taluk, now under suspension, in connection with certain irregularities in his magisterial work.

OPINION OF THE COUNCIL.

The Council is of opinion that suspension for a period of six months will be sufficient punishment for this officer and that he may be restored to office at the end of the period and posted to another Taluk.

Sd. M. Visvesvaraya.
Dewan of Mysore.

" Extract

Secretary to Government.

G. R. S. 12]

30 1557 30

General and Revenue Secretariat.

CS File No. 347 of 1912-13

Serial No.	
	1) Extract of Council Proceedings put up drafts submission note & draft order may be kept up in accordance with Council resolution. Dep Secy 24/1
78)	The draft Subm Note as revised by the Secy & a draft G.O also prepared Draft 28/1
79)	I have revised the draft Subm note. Please put up draft G.O Secy 28/1
80)	Draft G.O not Ue. -116 28/1/14 Dr Seet) Secy 29/1
81)	Please put up a Submission Note as revised filling in the details. The draft order also requires revision. Draft 31/1
82)	Draft Submission note & draft order duly revised & resubd. The period of six months expires with the 10 June 2-2 Ue. -116 31/1/1914 Dr Seet) Secy 2/2
83)	The period of 6 months expires on the 10th June 1914.
84)	The Opinion of the Council may require slight revision unless it is intended to allow him pay from 10/1/14 Draft 2/2

NOTE—Contn. sheet.

GPB—60,000—7-N-13

G. R. S. 12]

31 1553. (31

General and Revenue Secretariat. | File No. | of 191

Serial No.

~~The~~ for

85) Dr. ~~Jones~~ has resi marks: ~~town~~ has already stopped ~~Smt.~~ Sm. ~~Amelia~~ am placed under suspension.

86) He may now be ~~fahi~~ with restore ~~h~~ office ~~Peter~~ his duties Dr.

87) Dr. ~~Jones~~ submission ~~is~~ note already ~~submitted~~.

7417
2.2.14.

Dewan

2/2

2/2 Dewan

P. T. O

NOTE—Contn. sheet.

GPB—60,000—7-11 -13

(32

Submitted to His Highness.

88 Mr. H. Venkatanarasiah, Amildar of Shikarpur, was, as ordered by Government in August 1913, placed under suspension from the 11th July 1913 and the Deputy Commissioner and District Magistrate of Shimoga was directed to call upon the Amildar to furnish a detailed explanation on all the four points mentioned in para 6 of my submission note dated the 7th August 1913, and, after such further investigation and enquiry as the District Magistrate might consider necessary, to submit for further orders a full report with his own opinion touching the matters in question and the motives, if any, which prompted the Amildar to keep back the records and withhold the submission of calendars.

Page 19 of the office notes

89 2. Accordingly, Mr. K. Matthan, the present District Magistrate has reported, on further enquiry, that the Amildar is clearly guilty of gross negligence in regard to the four points referred to above, viz., (1) not writing judgments within a reasonable time after closing the cases, (2) not sending up calendars of decided cases within the required time, (3) not keeping criminal records in their proper places and (4) failure to reply to the District Magistrate's queries promptly.

Paper under disposal III

90 3. The explanation of the Amildar on these points is quite unconvincing and unsatisfactory.

Encl 6 ser 7

91. 4. As regards the motives which prompted the Amildar to keep back the records and withhold the submission of calendars, the District Magistrate states that neither his predecessor, Mr. K. Srinivasa Rao, nor any of the Sub-Division Assistant Commissioners had reason to suspect the Amildar's honesty and that the Amildar's negligence,

Para 5 of paper under disposal III

(33

in his opinion, is attributable to his habits of procrastination. The District Magistrate adds that he has gone through the records in some of these cases and the judgment could in none of them be considered perverse.

92 5. It also appears from the District Magistrate's enquiry that though the Amildar returned the Criminal records to the Record Room only in July 1913 when he left the Taluk, he caused a false entry to be made in the Registers to the effect that they were returned on the 8th May 1913.

Para 3 of the Paper under argument III.

P&N Sl No. 8

93 6. The First Member of Council considered that while Mr. Venkatanarasiah was a clerk in the General and Revenue Secretariat he left a favourable impression about his character though he was not considered specially brilliant. He agrees with Mr. Matthan in attributing all the defects noticed in the conduct of this Amildar to his not having written up judgments in proper time and considers it unfortunate that the officer, while not guilty or only so to a very insignificant extent on the substantial charges made against him, should in trying to justify himself have fallen into what turn out to be more serious lapses.

Pages 27 & 28 of the office notes

94 7. At his suggestion the question of deciding what would be an adequate punishment in the case of this officer was considered at a meeting of Council and the opinion formed is that suspension of the officer for a period of six months is sufficient punishment and that he may be restored to office at the end of the period and posted to another taluk. This period expired on the 10th January 1914.

Page 29 of the office notes

95 8. As a Magistrate the Amildar has proved himself incompetent. It is hoped that the suspension now ordered will have the desired effect and that he will take special trouble to prevent complaints in future. His

35

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of dealing with Mr. H. Venkatanarasiah, Amildar of Shikarpur Taluk, now under suspension in connection with certain irregularities in his Magisterial work.

No. 666

97

Order.

~~KRW~~

7/2/14

100) Put up a Br I File sorders passed Dewan 10/2

98 Secretary - Please put up proposals for posting him to a Taluk

III D.S. 7-2-14 RO

Let the draft be revised & brought up afresh Dewan 9/2

99) for 9/2

1553

(36

R. S. 12]

General and Revenue Secretariat.

CS File No. 347 of 1912-13

Serial No.	
No 6.	
101	Draft revised by the addition of a para and submd.
	Kg. -116
	10/2/1914 (By Secy) Spdt 10/2
102	A draft order to put up for approval. In a Revenue Branch file the Diwan ordered today that this Bundobast should be posted to Malavalli.
	First Member) Dwarkanath 10/2 Spdt
103	Draft appd by First member of Council MGS Dwarkanath 11/2 Dwarkanath today submitted to B & I. Dwarkanath 12/2 Spdt 12/2
104	The Secretary having asked me to mention the point about 6 months to the Diwan before issue of the draft, the file was taken to the Diwan today by both of us. The Diwan has corrected the draft & initialled it. He says that the draft as it now stands might be issued at once and the matter brought up for informal consultation at the next meeting of Council (Please see the remarks of the Diwan on the draft.)
	1st Member) Dwarkanath 14/2
105	Seen. I do not think it fair to subject him to greater punishment than was already resolved upon, merely because the order could not be issued in time. Hyde

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 347 of 1912-13

Serial No.

The Correct Course seems to be to restore him from the close of that period. In many cases when public Servants are suspended & then found innocent, they are given full pay for the period though they ~~had~~ no work ~~nothing~~ have done at all for Govt. There will be no harm in giving a month's pay similarly to this Offr.

14/2/14

106) (However an immediate order by telegram may be sent asking him to join his new place).

14/2

107) Subd May this be sent to the Consl Section now?

The Transfer about will be made before sanctioning it to the Consl section.

PSP 17/2

Rec'd 18/2

PSP 17/2 108) 18/2

NOTE—Contn. sheet.

(38)

General and Revenue Secretariat.

Cls File No. 347 of 1913-14

Serial No.	
9	To the D.C & D.m. Shimoga & Rev. Comr in mysore Comptroller & Sec- & Registrar, Chief Court. G.O.N.J 2342-5 d 14.2.14. Observes that the amildar is guilty of negligence attributable to his habits of procrastination, considers that the Suspension he has hitherto ~~suffered~~ undergone is sufficient punishment for him and directs that he be posted to another taluk with a warning that he should give no room for complaints in future.
108)	Subd. This may be sent to the Council section as ordered above.
110)	To the Council Section. with reference to para 108.
	18/2
111)	Noted in the Confidential Register on Amildars and the papers returned.
	20/2/14
112)	Received back from Branch III for being brought up informally at the next meeting of Council - as ordered by the Dewan in the margin of the Draft order.
	Subd

NOTE—Contn. sheet.

G P B—60,000—7-11-13

[G. R. S. 12]

1553

39

General and Revenue Secretariat.

C5 File No. 347 of 1912-13

Serial No.

113) Submitted
RR
20/2/14

114) C. Secy
note for pt
Board as at
next meeting
Comm
20/2

115) The case was discussed at
the Council meeting yesterday and
it was decided that as already
decided in Council the period of
suspension of the Subdivisional Officer
be reduced by one month
and that an order may be issued
to that effect.

116) A draft may be put up
according to decision of the
members of Council.

Dep^n Secy
5/3/14.
Draft 5/3
SRM

117) Submitted a draft order.
Rs.-116.
5/3/1914 NRR
Dy Secy)
6
SRM
6/3

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

1553

40

General and Revenue Secretariat.

C5 File No. 347 of 1912-13

Serial No	
118	A tidy draft as revised may be put up early Draft 7/3 d/2
119	Tidy draft put up Key-116 7/3/1914 XX 120 Dr Seal) First member) 121 & Director paragraph 116. Draft added and approved by First member MCS 9.3.14
	8226 12.3.14
	SPM 9/3 Draft 9/3 JR
	10/3 Draft 10.3.14
122	Aff by Dewan
	123 Yes 3/4 Draft 3/4
124	Issue JMM 3/4
10	To The Dy Cau, Shemoga, New Cau, Comptroller & Registrar, Chief Court No 5296-9 Dy 15-4-14 Directs in modification of SG that the period of suspension be restricted to 6 months from the date on which Mr Venkatanarasiah was relieved of the charge of the taluk and

NOTE—Contn. sheet.

GPB—60,000—7-11-13

1553-12

G. R. S. 12]

General and Revenue Secretariat. | A File No. 847 of 1912. 4

Serial No.

that he be given pay for 14 days he was awaiting orders to join his new station.

16/4/13

NOTE—Contn. sheet.

GPB—60,000—7-11-13

U R G E N T

No. 4400 Gues 2. 345

Bangalore.
28th June 1913.
28th

From

DIARY No. J. 3759

The Registrar of the
Chief Court of Mysore

19/2-19 13
SECTION 65
FILE No. 347-12
SERIAL No. 1

To

The Secretary to Government,
General and Revenue Departments.

Sir,

I am directed to forward a copy of letter No.268 dated 16th @@@@@@@ June 1913 from the District Magistrate, Shimoga bringing to the notice of this Court that as many as 38 records @ of criminal cases were found to be missing in the Court of the @@ Amildar Magistrate of Shikarpur Taluk when he inspected that @@@@ Court in April last, that they were neither in the Taluk records nor with the Judicial gumasta, that one of these records was in the custody of and produced by the Sheikdar of Belandur Hobli @@ and that although the District Magistrate issued more than one order to the Taluk Magistrate calling upon him to trace the missing records and submit them at an early date, the latter has not only not complied with the order but has not even sent a reply. This fact coupled with the other irregularities on the part of the said Magistrate referred to in the District Magistrate's letter, shows that there has been gross neglect of duty on the part of the Magistrate in question and that the matter is one which @@ calls for severe notice; and the Judges of the Chief Court are of opinion that under the circumstances the said Magistrate deserves to be placed under suspension.

I have the honor to be,
Sir,
Your most obedient servant,

Ag: Registrar.

A.V.
BM.

~~Copy of~~ Letter No: 268, dated 16th June 1913 from the Deputy Commissioner of the Shimoga District to the Registrar of the Chief Court of Mysore. Encl to CS 347-12-1

I have the honor to report that during my inspection of the court of the Amildar Magistrate of Shikarpur in April last, I found that the records in the marginally noted criminal cases on the file of his court, were missing both from the papers in the charge of the Judicial Munshi and from the judicial records of the Taluq Office.

Criminal cases Nos:- 34,35,56,63,69,72,76,84, 87,88,89,97,98,104,112, 114,115,117 and 120 of 1909-10.

Criminal cases Nos:- 3,32,42, and 51 of 1910-11.

Criminal cases Nos:- 19,45,71,72,73,74,76,85 and 90 of 1911-12.

Criminal Mis: Nos:- 9,19,20 & 22 of 1909-10.

Criminal Mis: Nos:- 4,5,7,8,13 & 22 of 1910-11.

Out of these, the records in criminal calendar case No: 88 of 1909-10, on the file of his court were produced on the day of the inspection, by one Seshagiri Rao, acting Shekdar of Belandur Hobli. How the criminal records came to be left with him is by no means intelligible. I therefore issued two orders to the Amildar to trace all the records and submit them early for scrutiny.

On my return to Head Quarters, I discovered from the registers in my court that the calendar copies of judgments and the orders in the cases already referred to, had not been received as per circular orders of the Chief Court.

Upon this, I again issued two orders to the Amildar Magistrate Mr. H.Venkatanarasayya, for the submission of the tappal books of his court, together with the explanation as regards the irregularities.

I enclose a copy of my last hukkam No: 610 dated 24-5-13 to the Amildar for the information of the Chief Court.

But all my orders have been of no avail, and the Amildar has not yet been roused from his lethargy.

As these facts disclose a serious dereliction of duty on the part of Mr. H. Venkatanarasayya and constitute a grave charge against a Magistrate, I have deemed it necessary to bring the matter to the special notice of the Chief Court for such action as the circumstances of the case demand.

I have, etc.,
Sd/ K. Srinivasa Rao,
Deputy Commissioner
Shimoga District.

' Copy '

Ag: R E G I S T R A R .

H.C.C.

187.

క్లి. నంబరు 610.

శ్రీ వంశం గ్రామ రిజిస్ట్రేషన్ అధికారిగారికి వారి

కార్యాలయం

శ్రీ ం ం వ్యవహార శ్రీ లు లచ్చంకాలిక్ట్ం.

నాన్న నం ం లు కొనుక్కొన్నట్లు కార్య దస్తావేజు

నా దగ్గిర్లో కార్యం నాగారం వాం క్లి నం లు $\frac{39}{12-13}$

నం శ్రీ $\frac{84}{12-13}$ గా వంశం ం ద్వారా కల్గి విక్రయసాధనం

6.1.1913 తేదీన నం శ్రీ 10.4.13 రోజున శ్రీ ంలో సబ్

రిజిస్ట్రార్ ఆఫీసులో శ్రీ ం శ్రీ ం వంశ లచ్చ కల్గిన

ఇళ్ళ స్థలం మీద ఉత్తరం పక్కగా శ్రీ లు నాలుగు

వరుస్సల్లో నాలుగు పక్కలుగా ం లు ఇళ్ళ

శ్రీ లు లల్లో నా దక్షిణాన్నకి నిం ను క్రయదారులుగా

శ్రీ లు లల్లో నా దక్షిణాన్నకి నిం ను క్రయదారులుగా

ఇల్లు మీద ఉత్తరం పక్కగా ఇల్లు ఉన్నది

వ్వనాకి శ్రీ లు.

2. నిం ను శ్రీ లు ఇల్లు ఉన్నట్లు

నకు మీరు నిజ్జీ లం ద వం ం ద్వారా ం లు

ఇల్లు ను ఇం లు ఇచ్చి ఇల్లు ను ఇం లు

శ్రీ లు లల్లో నా ఇచ్చి ఇల్లు ను ఇం లు

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ఇచ్చి ఇల్లు ను ఇం లు ఇచ్చి ఇల్లు ను ఇం లు

5

ವಲ್ಲಿ ಉಳ್ಳ. ಸ ಶ್ರೀ ಯಂತೆಯಿಲ್ಲಿ ಪಿಕ್ಷಂ
ಪ್ರಾ ಸಳ್ಳದ್ದು ಕ್ಷತ್ರಿಯ ಸಳ್ಳಿಂಕ ಪ್ರಿಯಂ ಲಿ
ಉಳ್ಳಪ್ಪಿಪ್ಪ ಶ್ರೀ ವಂಶ ಸ್ಥಳ ವಿಶೇಷ ಸಂಬಂಧಿ -
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ಶಿಂಸು ಪ್ರಾಪ್ತಿಸ್ಥಾಲ ಉಸಲ್ಲಾ ಕಳ್ಳಿಪಿಸಬೇಕು.

ತಿ॥ಸೆ ಶೀ ನಂ ಸು 34, 35, 56. 63. 69
72. 76. 84. 87. 88. 89. 97. 98. 104. 112
114. 115. 117. 120 of 1909-10. (16 records)
— ಡಿ — 3. 32. 42 and 51 of 1910-11. (4)
— ಡಿ — 19. 45. 71. 72. 73. 74. 76. 85
90 of 1911-12. (9)
— ಡಿ - Mis. 9. 19. 20 and 22 of 1909-10. (4)
— ಡಿ — 4. 5. 7. 8. 13 and 22 of 1910-11. (6)

42 records.

ಸೆ ಲಿಂಕ ಡಿಂಬ ಕಳ್ಳ ಸಳ್ಳಿಪ್ಪೆ ನಂ: 88/09-10

ಉಪ್ಪು ಡಂಲ ಚಾಡಿಪ್ಪ ಉಲ್ಲೆ ಪಾಂ ಪಾನ ಕಳ್ಳಿ/ಸಳಿಂಬ
ಕ್ಷ ಲಂಬ ಸು ಪಾಸ್ಥಿ ಕಳ್ಳ ದೆ 26. 4. 13 ಕಳ್ಳ ಪಿಕ ಲ
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ಪಂ ಪಿಪಾಂ ಕಾಲಿಪ್ಪೆ ಉಪ್ಪು ಲಿಕೆ ನಳ್ಳ ಉಪ್ಪಂ ಪ್ಪ ಕ್ಕೆ
ಕಾಂಕ ಪ್ಪಾಸಿಕ್ಕೆ ಪಾ. ಲಿಕೆ ನ ಪಿಲ್ಲಲ್ಲಿ ಪಾಸಿಂಪಿಂಪಾಲು ಲಿಕ್ಕಲ ಪಿಪ
ಸಿಂಕ ಪಳಿಲು

ಲಿಂ ಸು ಸಿಂಕ ಪಲು ಪಾಂಪ್ಪಿ ಕಾಲ್ಲಿ ಲಂಕ್ಕೆ
ಸಳ್ಳ ಪಾಪ ನಂ ಪಾಲ್ಲಿ ಲಿಂಕ್ಕೆ ಸಿಲ್ಲಲ ಪಿಪಿಕ್ಕಲ್ಲಿ ಕ್ಷ ಸ್ಥಿ ಪಾಂಪಿಲ್ಲಿ
ಉಲಿಂಕ ಪ್ಪಿ ಪ ಸಿಲ್ಲಲ ಸುಪ್ಪಿಸಳ್ಳಿಪಾಪ 1909 ಲಂ

1910-11, ను 1911-12 సం॥లకు
రెవిన్యూ కౌన్సిలర్ గారు ఉత్తరువు చేసిన
ప్రకారము కొండపల్లి కమర్షియల్ లెవరీకారు, లీజు
ప్రకారం రేపు ఉదయం పంచాయితీకి అప్పగించాలి. అందుకు
తగిన

ఏర్పాటు చేయవలసిందిగా కోరుతూ
సంబంధిత అధికారులకు నోటీసులు పంపడమైనది. కాబట్టి మీరు
మున్సిపల్ కమిషనర్ గారి ఉత్తరువు ప్రకారం
ఆస్తిని రేపు ఉదయము పంచాయితీ అధికారులకు
అప్పగించుటకు ఏర్పాటు చేయగలరు.

తే॥ 23.5.13
24.5.13 }

"Copy"

District Magistrate

7

G.R.S. 28.]

Cents

File No. 347-12

Serial No. 2.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue 8/7/13

Signed by Mr. S P Rajagopalan

READ—

Letter No. 4400/345 dated the 28th June 1913 from the Registrar Chief Court of Mysore, stating that the Dt. Magistrate of Shimoga has brought to notice that when he inspected the Court of the Taluk Magistrate of Shikarpur in April last, he found that as many as 38 records of Criminal Cases were missing that one of these records was in the Custody of the Sheristadar of Belavatti Hobli and calling

ORDER THEREON.—No.

over

SUBJECT.

8

the Dt Magte issued more than one order to the Amildar to trace them, the latter has failed to comply with the order and to reply to his letters, and adding state that the judges of the chief Court are of opinion that the said Magistrate deserves to be placed under Suspension.

Order thereon No: J81-4

The Deputy Commissioner Shimoga, is requested to direct the Amildar to hand over charge of the Taluk to the Taluk Sheristadar and appear before him personally within three days with his explanation. If he fails to do so or the Dy Comr considers his explanation to be unsatisfactory, the Dy Comr may direct the Amildar not to take charge of the Taluk pending further orders, and report the case to Govt.

8/7

Sd/ Secretary to Govt.

To The Registrar, Chief Ct.
" D.C. & Dt Magte, Shimoga Dy, in confirmation of the telegram issued today.
" Revenue in Mysore to inform
" Commissioner to Mysore Govt.

C.C. 8/7
Govt

J324 III/26/7 9

Ab 347-12 Dep

S.No 3

191

From

The Deputy Commissioner,

Shimoga. District.

To

The Secretary

to the Government of Mysore

General and Revenue Departments, Bangalore.

Dated 25th July 1913.

Despatched

Received

General No. 38

No. R. 23

Enclosure No. 1 Report 1 Explanation

P3 III

26/7/13

Immediate

Forwards copy of letter sent to him through the Revenue Commissioner in Mysore re report on Shikarpur Amildar's Explanation regarding missing criminal records of his court.

GPB—50,000—26-9-12

10

No. 38/R.23 Encl 1 Report 1 explanation

Office of the Deputy Commissioner,

Shimoga District,

Dated Shimoga 25th July 1913.

From

K.Matthan,Esquire.,B.A.,

Offg. Deputy Commissioner,

Shimoga District.

To

K.R.Srinivasa Iyengar,Esquire.,M.A.,

Secretary to the Government of Mysore,

General and Revenue Departments,

B A N G A L O R E.

Sir,

In confirming the marginally noted telegram sent to you in reply to yours of this date, I have the honor to forward herewith a copy of Mr.K.Srinivasa Row's letter No.33/R.22 dated 20th July 1913 together with a copy of the expalnation furnished by Mr.H.Venkatanarasayya Amildar of Shikarpur regarding the missing of certain criminal records of his court.

Report on Shikarpur Amildar's explanation regarding missing criminal records submitted through Revenue Commissioner. Copy posted today.

I have the honor to be,

Sir,

Your most obedient servant,

Matthan

Offg.Deputy Commissioner,

Shimoga District.

B.B.

11

No. 33/R.22

Office of the Deputy Commissioner
Shimoga District,
Dated Shimoga 20th July 1913.

Encl to CS 347-12-2

From

K.Srinivasa Row Esquire,
Deputy Commissioner, Shimoga District.

To

K.R.Srinivasa Iyengar, Esquire,M.A.
Secretary to Government of Mysore,
General and Revenue Departments, Bangalore.

Through the Revenue Commissioner in Mysore.

Sir,

Referring to Government Proceedings No. 81-4/Cts.347-12-2 dated 8th instant regarding the ~~Criminal~~ criminal missing records in the Shikarpur Amildar Magistrate's Court, I have the honor to state that as directed by Government the attendance of the Amildar Mr.Venkatanarasiyya was secured and his explanation, which will be forwarded through the Chief Court,has been obtained in regard to the missing records and the non_submission of the calenders and copies of judgments. The Amildar has stated that the records in question were with him and that they were returned to the record room on the 8th May 1913. He has further admitted that the calenders and copies of judgments in 28 out of 32 cases have not been submitted to this office as required by the Rules of Practice.

All the records said to have been returned to the record room were sent for and examined. Of these 19 cases have ended in acquittal,1 in discharge and 12 in conviction. Whether the sentence of fine imposed in 6 cases have been realised or not will have to be ascertained from the Taluk Treasury and reported. The explanation of the Amildar regarding the custody of these records at the time of inspection is not satisfactory.

Further

Further the Judicial gumasta of the Taluk Office cannot be held responsible for the nonsubmission of calendars and copies of judgments in these cases as the records are admitted to have been with the Amildar.

In these circumstances, I have considered it proper not to send back the Amildar to the Taluk. I have however permitted him to avail himself of a months privilege leave to which he is entitled in anticipation of the sanction of the Revenue Commissioner.

The Sheristedar who was ~~temporarily~~ temporarily put in charge of the Taluk as required in Government Order No.381=4/Cts. 347-12-2 dated 8th July 1913 is under orders of transfer to Sagar Sub Division Office and his name is not included in the list of candidates eligible for Amildari and Deputy Amildari. I have therefore pending sanction of Government directed S.Narayana Rao B.A. acting Head clerk of my Office to take charge of the Taluk.

Narayana Rao's name is included in the list of candidates eligible for Amildari and Deputy Amildari and he has acted as Amildar and Deputy Amildar on several occasions.

I have etc.

(Sd) K.Srinivasa Row,

Deputy Commissioner.

" Copy"

Deputy Commissioner,

Shimoga District.

13

M E M O

As directed in the Deputy Commissioner's order No.13 dated the 8th July 1913, I handed over charge of the Taluk on the afternoon of the 10th idem, to Mr.N.Krishna Iyengar, Sheristedar and arrived at Shimoga on the evening of the 11th idem.

As regards certain Judicial files said to be missing and noted in the notes of inspection by the District Magistrate of the Judicial records of the Shikarpur Taluk Office in April last, I beg to submit that the records therein referred to have been subsequently traced and sent to the record room on the 8th May 1913. Their details are noted below:-

Records of 1909-10.

Cases Nos. 34,35,56,63,69,72,76,84,87,88,89,97,98,104, 112,114,115,117,and 120. The records connected with the above cases were found with me along with the Revenue and oth er miscellaneous papers pending with me.

The records connected with case No.84 were submitted to the District Magistrate for enhanced punishment.

Records 1910-11.

Cases Nos.3,32,42,and 51. The records connected with these 4 cases were also found with me in the pending papers.

Records of 1911-12.

Cases Nos.19,45,71,72,73,74,76,85,and 90.

All the records with the above 9 cases were also found with my papers.

Miscellaneous cases of 1909-10.

Cases Nos. 9,19 20 and 22. The record connected with case No.9 was found with my papers, and the records connected with cases Nos.19,20 and 22 were submitted to th e District Magistrate and they were "B" and "c" reports made by the Police.

Miscellaneous cases of 1910-11.

Cases Nos.4,5,7,8,13,and 22. The records connected with

cases

cases Nos.5,7,and 8 were found with me. The records connected with cases Nos.4,13,and 22 were submitted to the District Magistrate and they were "B" reports made by the Police.

To find out whether calendars in the above cases were submitted to the District Magistrate or not, the Tappal Book maintained in Judicial Branch of the Shikarpur Taluk office was examined and the result of such examination is indicated below:-

Records of 1909-10.

Case No.84. The records in this case were submitted to the District Magistrate with report No.43 dated 10-3-10. The other cases Nos.34,35,56,63,69,72,87,88,89,97,98,104,112,114,115,117 and 120 are not noted in the Tappal book, and no calendars have therefore been sent.

Records of 1910-11.

Case No.32. Calendar with judgment sent on 12-11-10

do 42 do do do 16-11-10
do 51 not do do 16.2.11
do 3 has been entered in the Tappal book and so no calendar sent.

Records of 1911-12. All the 9 records of this year are not noted in the Tappal book and so no calendars have been sent in them.

Miscellaneous cases of 1909-10.

Nos.9,19,and 20. Records submitted to the District Magistrate on 12th July 1912.

No.22 Order copy sent on 7th September 1909.

Miscellaneous cases of 1910-11.

Cases No.4 and 5. Copies of orders in these two cases were submitted to the District Magistrate on 15th July 1910.

Case No.7. Order copy submitted to the District Magistrate on 4th August 1910.

Case No.8. Order copy submitted to the District Magistrate on 12-7-1910

Case No.13 do do 25-1-1912

do 22 do do 12-7-1910.

Submitted to the Deputy Commissioner.

(Sd) H.Venkatanarasiyya.

Shimoga

17th July 1913.

"Copy"

Deputy Commissioner,

Shimoga District.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

16

Bangalore, 26th July 1913.

No. 912/1

FROM

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

DIARY No. 4323.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

19 -10
SECTION Genl'
FILE No. 347-12
SERIAL No. 4

SIR,

I have the honor to forward herewith for the orders of Government copy of letter No.33/R.22 dated 20th July 1913 from the Deputy Commissioner, Shimoga District, in the matter of the missing criminal records in the Shikarpur Taluk Amildar Magistrate's Court and the grant of one month's privilege leave to the Amildar of that Taluk, ~~xxxxxxxxxx~~ and to state as follows:-

The application for leave ought not to have been granted. For certain serious irregularities that were reported by the District Magistrate to the Chief Court the Government following the recommendation of the judges directed the Deputy Commissioner to call away the Amildar from his Taluk and keep him out of it if his explanation was not satisfactory. When the Amildar was thus out of office and when the Deputy Commissioner thought his explanation unsatisfactory it was not correct to grant him a month's privilege leave in anticipation of sanction. It was anticipating a sanction which could not be had and the Deputy Commissioner has been requested to hold the grant as invalid

In regard to arrangements at Shikarpur until formal orders are had from Government in due course it would have been advisable

advisable to leave the Taluk Sheristedar in charge, but as this particular Sheristedar has just returned from a period of suspension the Deputy Commissioner's proposals may be approved.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner,
absent from the Station.

V.M.R.
K.K.

Encl to C.S. 347-12-4

Letter No. 33/R.22 dated 20th July 1913 from the Deputy Commissioner, Shimoga District to the Secretary to the Government of Mysore, General and Revenue Departments, Bangalore,, through the Revenue Commissioner in Mysore.

Sir,

Referring to Government Proceedings No.J-81-4/C.T.S. 347-1222-2 dated 8th instant regarding the missing criminal records in the Shikarpur Amildar Magistrate's Court, I have the honor to state that as directed by Government the attendance of the Amildar Mr. Venkatanarasa Iyya was secured and his explanation which will be forwarded through the Chief Court, has been obtained in regard to the missing records and the non-submission of the calendars and copies of judgments. The Amildar has stated that the records in question were with him and that they were returned to the record room on the 8th May 1913.He has further admitted that the calendars and copies of judgments in 28 out of 32 cases have not been submitted to this office as required by the rules of practice.

All the records said to have been returned to the record room were sent for and examined.Of these 19 cases have ended in acquittal 1 in discharge, and 12 in conviction.Whether the sentence of fine imposed in 6 cases have been realised or not will have to be ascertained from the Taluk Treasury and reported. The explanation of the Amildar regarding the custody of these records at the time of inspection is not satisfactory.Further the Judicial Gumasta of the Taluk Office cannot be held responsible for the non- submission of the calendars and copies of judgments in these cases as the records are admitted to have been with the Amildar.

In these circumstances I have considered it proper not to send back the Amildar to the Taluk. I have however permitted him to avail himself of a month's privilege leave to which he is entitled in anticipation of the sanction of the Revenue Commissioner.

The Sheristedar who was temporarily put in chrge of the Taluk as required in Government Order No.J.81-4/C.T.S.347-12-2 dated 8th July 1913 is under orders of transfer to ~~to~~ the Sagar Sub- Division office and his name is not included in the list of candidates eligible for Amildari and Deputy Amildari. I have therefore pending sanction of Government directed S,Narayana Rao B.A., acting Head Clerk of my Office, to take charge of the Taluk.

Narayana Rao 's name is included in the list of candidates eligible for Amildari and Deputy Amildari and he has acted as Amildar and Deputy Amildar on several occasions.

"Copy"

For Revenue Commissioner.

Typed by Y. S.
K.K.

No. 500 En. 2.
27

20

Chief Court of Mysore,

Bangalore, dated 28th July 1913.

29

From

DIARY No. J. 359

1913-19
SECTION Comls
FILE No. 347-12
SERIAL No. 5

The Registrar of the
Chief Court of Mysore

To

The Secretary to the
Government of Mysore,
General and Revenue Departments

S i r ,

Adverting to the Proceedings of Government No: J 81-4/Cts 347-12-2 dated the 8th July 1913, I am directed to state that the District Magistrate of Shimoga has forwarded the explanation of Mr. H. Venkatanarasayya, late Amildar Magistrate of Shikarpur, in regard to the irregularities referred to in this Office letter No: 4400/345 dated 28th June 1913. The Chief Court agree with the District Magistrate that the explanation of the Amildar is not satisfactory.

The Chief Court, on a perusal of the notes of inspection of the Amildar Magistrate's court by the District Magistrate, called for the Amildar Magistrate's explanation as to why no orders were passed in a case until the 25th April 1913 (the date of inspection) though the hearing had closed on the 6th January 1913, and why the Magistrate had violated the provisions of para 5 of Rule of Practice No: 140 dated 27th November 1908 by not recording his orders in Order Sheets. The explanation submitted in this behalf is also unsatisfactory,

I am to forward both the explanations and to state that in the opinion of the Chief Court the Amildar (Mr.H. Venkatanara-

sayya

To
The Secretary
Enclosed 347-12-5

As directed in the Deputy Commissioners order No 13, dated the 8th July, 1913, I handed over charge of the Salem on the afternoon of the 10th idem to Mr. A. Krishnaiengar, Sub-Collector, and arrived at Shimoga on the evening of the 11th idem

2. As regards certain judicial files said to be missing and noted in the notes of inspection by the District Magistrate of the judicial records of the Shikarapur Salem Office in April last, I beg to submit that the records therein referred to have been subsequently traced and sent to the Record room on the 8th of May

may, 1913. Their details are noted below.

Records of 1909-10.

Cases Nos 34, 35, 56, 63, 69, 72, 76, 84, 87, 88, 89, 97, 98, 104, 112, 114, 115, 117, and 120.

The records Connected with the above Cases were found with me alongwith the Rev: and other mis papers pending with me.

The records Connected with Case no 84 were submitted to the Distt Magte for enhanced punishment.

Records of 1910-11

Cases Nos 3, 32, 42, & 51.

The records Connected with these 4 Cases were also found with me in the pending papers.

Records of 1911-12

Cases Nos 19, 45, 71, 72, 73, 74, 76, 85 and 90.

All the records Connected with the above 9 Cases were also found

found with my papers.

Mis: Cases of 1909-10

Cases Nos 9, 19, 20 and 22.

The record Connected with Case No 9 was found with my papers. And the records Connected with Cases Nos 19, 20, and 22 were submitted to the Distt Magistrate and they were 'B' and 'C' reports made by the Police.

Mis: Cases of 1910-11

Cases Nos 4, 5, 7, 8, 13 and 22.

The records Connected with Cases Nos 5, 7 and 8 were found with me. The records Connected with Cases Nos 4, 13, and 22 were submitted to the District magistrate, and they were 'B' reports made by the Police.

3. To find out whether Calendars in the above Cases were submitted to the District magistrate or not, the daftar book maintained in the Judicial Branch of the Shikarpur Sadar Office was examined and the records

2

result of such examination is indicated below

Records of 1909-10.

Case no 84 - The records in this Case were subd to the Distt maple ~~vide order~~ with report no 43 dated 10.3.10.

The other Cases, viz 34, 35, 56, 63, 69, 72, 87, 88, 89, 97, 98, 104, 112, 114, 115, 117 and 120, are not noted in the Appeal Book, and no Calendars have ~~been~~ therefore been sent.

Records of 1910-11

Case no 32 - Calendar with judgment sent on 12-11-10.

Case no 42 - Do - Do - on 16.11.10.

Case no 51 - ~~Calendar~~ with judgment sent on 16.2.11.

Case no 3 has not been entered in the Appeal Book, and so no Calendar sent.

Records of 1911-12

All the records of this year are not noted in the Appeal book, and so no Calendars have been sent in them.

Mis: Cases of 1909-10

Nos 9, 19, 20 } Records subd to the Distt maple on 12.7.1910.

No 22 - order Copy sent on 7-9-09

Mis : Cases of 1910-11

Cases Nos 4 & 5 - Copies of orders in these two cases were subd to the Deputy Magte on 15.7.10.

Case No 7 - Order Copy subd to the Deputy Magte on 6.8.10

Case No 8 - Order Copy subd to the Deputy Magte on 12.7.10

Case No 13 - Order Copy subd to the Deputy Magte on 25.1.12, and

Case No 22 - Records subd to the Deputy Magte on 12.7.10.

Submitted to the Deputy Commr.

H.C. Seshachar
Shimoga 17.7.13

I

27

Memo

Orders of the Dist Magte, No 4 dated the 1st July 1913, forwarding an extract from the proceedings of the Chief Court dated the 27th June 1913, calling upon the Magistrate of the Shikarpur Taluk, to explain (1) as to why no orders were passed in Criminal Case No 39 of 1912-13 until the 25th of April, 1913, although the Case was closed so far back as the 6th January, 1913, and (2) as to why no orders were recorded in order sheets in Criminal Cases Nos 35, 53 and 87 of 1912-13

With reference to the above, I beg to explain as follows.

Case No 39 - This Case was taken on file on the 29th November, 1912, and orders were passed to issue process to the accused and witnesses under sections 323, I.P.C and 24 C. Trespass Act. The Case was posted to the 11th December 1912. On that Date the accused was absent, and orders were passed to issue warrant for the arrest of the accused. The Case was adjourned to 23.12.12, to be heard at Shiralkoppa

Shirali Koppa at the request of Mukhtiyar S. Venkatachar who represented the Complt in the Case. On 23.12.12, the Case was heard at Shirali-Koppa and adjourned to 6.1.13 for the examination of the Sub Asstt Surgeon at Shirali Koppa as a prosecution witness. On the 6th January 1913, I was absent at Hirikatta-hally to attend the District Board Meeting and also the Agricultural & Industrial Exhibition. The Case was adjourned by the Court Clerk to 18.1.13. On the latter date, the Medical Officer was absent, and the Case was adjourned to the 3rd February, 1913. On that date, the Medical witness was examined and adjourned to the 5th February, 1913, on which date, the statement of the accused was recorded, and the Case adjourned to the 24th February, 1913, as I in the interim I had to attend to the Shikar Jamabandi duty. On the 24th February, I was absent at Sagar to give evidence in the embezzlement Case agst the Patel of Kolagi before the Sub Dy Magistrate.

orders upto the 18th January 1913, had been noted on the order sheet pertaining to the case. Subsequent orders had not been noted upto the date of inspection.

On the 24-2-13, owing to my absence at Sagar the Court ~~Court~~ Clerk adjourned the case to 26-2-13. On that date, the parties were absent and orders passed to issue notices to them, ~~appear on the case was~~ On the 22-5-13, the case was taken up and ~~the parties, absent date~~ the parties were again absent. ~~Issuing fresh bail~~ But they turned up in the evening of the same day and they were told to appear on the ~~adjourned~~ date 26th May 1910. They were absent that day, and orders to issue notice to them were passed requiring them to appear on the 9th June 1913, on which date they appeared, and orders passed discharging the accused under section 25-3 C.P.C.

30

Case No 35 – This Case Came on file on 15-11-12 for an offence under section 56 Clause (r) of the Police Regn. (Using abusive language on the high road, occasioning a breach of the peace). The two accused Concerned here scavengers of the Shellaveripiv Town. The 1st accused was a female and the 2nd, a male. Orders were passed to issue process, and the Case was posted to 23-12-12. On the latter date I was absent at Shevaloppa on Union Panchayat duty. The Case was adjourned by the Court-clerk to 26-12-12 on which that date, only one witness was examined; and the Case was adjourned to the 4th January 1913, for the examn of the remg witnesses who were absent, and for whose attendance bailable warrants were ordered to be issued. On the 4th January 1913, 3 witnesses were examined, and the Case was adjourned to 17-1-13. On the latter date, when the Case was taken up, it was ascertained that the 1st accused had gone away owing to a quarrel she had with the other sweepers. The 1st accused returned with her husband and children. The statements of the accused were recorded

m

on the 21st June, 1913, and judgment delivered convicting the accused on the 25th June 1913. The orders upto ~~the~~ and including the 26th Dec 1912, had been noted in the order sheet of the case, and the orders subsequent to that date had not been noted on the date of inspection.

Case No 5-3 - The Case came on file on the 21-12-12 for an offence under section 352 I.P.C. The very same two scavengers in the preceding Case No 35 are parties in this case. The female accused in that Case is the Complt. and the male accused is the accused, in this case. ~~No Case~~ Orders were passed to issue process and the Case was posted to the 17-1-13 to which date the Case lodged against them by the Police had been adjourned. On that date, the female Complainant was found to have run away somewhere from Shikarpur, and orders were passed to find her whereabouts. Orders to issue process had been noted on the petition of Complaint,

37

Complainant, but not in the order sheet, on the date of inspection. The order pertaining to the 17.1.13 had not been made on the order sheet on the date of inspection. On the 27th May, 1913, the parties turned up and presented a petition which was accepted, compounding the offence under section 345 C.P.C.

Case No 814 — This case came on file under section 451 of the I.P.C on 26.2.13, on which date 6 prosecution witnesses were exd-in-chief, and their Cross-exn was reserved by the accused. The case was adjourned to the 12th March, 1913. On the latter date, the prosn witnesses were Cross-exd, and the case was adjourned to the 24th idem to be heard at Shivalhoppa at the request of Mr. Lakshmiah Row, Pleader, who defended the accused. On the 25th idem, one prosn witness was further examined and the statement of the accused recorded and a charge framed under section 451 I.P.C. The case was adjourned to 8th April 1913 for the exn of the defence witnesses at Hd Qrs.

the above orders of the respective
3 dates had been noted on
the order sheet pertaining to
the case. On the date of his plea
(25-4-13) the orders pertaining
to the subsequent 2 dates (8th
and 10th April) had not been
noted.

On the 8th April 1913, to
which the case stood adjourned
for the exn of the defence
witnesses, I was absent
as Sessions Judge in order to give
evidence before the Assistant
Sessions Judge in the embezzle-
ment case against the Patel
of Kolagi. The Court clerk
adjourned the case to the
10-4-13. On that date, the
exn of the defence witnesses
was gone through, since the
arguments of the parties
heard and the case was
adjourned to 30-4-13 on
which date judgment was
delivered acquitting the accused.
Case No 87 - The case came
on file on 3.13 on
for an offence under
section 451 I.P.C. and it
was posted to 3.3.13 as
some of the witnesses were
not present that day.
On the 3rd March, it was
adjourned to 4.3.13 for want of

of time. On the 4th March one prosn witness exd and the accused released on bail and the case adjourned to 17.3.13. On the latter date, I went on Khagaria Jatra duty, and so the case was adjourned to the 26th March, 1913. On that date, I was engaged on Baliyagari Jatra duty; and the Court-Clerk adjourned the case to 5.4.13, on which date 4 prosecution witnesses were exd, and the prosecution closed & the case adjd to 10.4.13. The orders pertaining to the above dates had been noted on the order sheets of the case, on the date of inspection (25.4.13). The orders relating to the subsequent dates had not been noted.

On the 10th April, 1913, the case was adjourned to the 14th for want of time, on which date, 3 prosn witnesses were exd by the Court, and the statement of the accused recorded, and the case adjd to 22.4.13. On that date, the 1st and the 2nd prosn witnesses were further exd & the Court & the case adjourned to the 28th

28th April, 1913. On that date, a charge was framed against the accused under section 451, I.P.C., and the statement of the accused recorded. The case was adjourned to the 30th April 1913, on which date, it was adjourned to 3rd May, 1913, for judgment. Judgment delivered on 3rd May, 1913 convicting the accused.

I beg respectfully to state that the omissions to note orders in the order sheets of each of the above cases were due to an oversight on my part in not having asked for the order sheets, as soon as the cases were closed for the day and before another case was taken up.

Submitted to the Asstt Magistrate

A. Subramaniam

Kumoga 16-6-13

17

5 c/fos 36

Compl

G.R.S. 28]

Courts

File No. 347-12

Serial No. 6.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

B.

Date of issue 12/8/13

Signed by Rao K. R Srinivasaraja

READ—

Government Proceedings No. J81-4/Cts 347-12-2 dated the 8th July 1913 passing orders in connection with the missing of records in certain criminal Cases in the Amildar-Magistrate's Court at Shikarpur.

2. Letter No. 38/R23 dated the 25th July 1913 from the Deputy Commissioner, Shimoga

over Dist.

ORDER THEREON.—No.

SUBJECT.

cvd 8/8/13

37

District forwarding the explanation of the Amildar in the matter.

3. Letter No: 912 dated the 26th July 1913 from the Revenue Commissioner in Mysore.

4. Letter No: 500/27 dated the 28th July 1913 from the Registrar, Chief Court of Mysore.

Order thereon. No: J 514-7 Dt 12-8-13

On receipt of a report from the District Magistrate, Shimoga to the effect that during his inspection of the Amildar-Magistrate's Court on the 25th April 1913 he found that records in 38 criminal cases were missing and that though he asked more than one order to produce them, the Amildar failed to do so, ~~did not comply with his orders~~, the Government directed the Dt Magistrate in their Proceedings of the 8th July 1913 to call upon the Amildar (Mr. H. Venkatnarsayya) to hand

GPB—20,000—2-10-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

over charge of the Taluk to the Taluk Sheristadar and to appear before ~~him~~ the District Magistrate within three days with his explanation in the matter and to report the fact for further orders. In pursuance of this order the Amildar appeared before the Dt. Magistrate and furnished an explanation, which is to the effect that almost all the records had been traced & sent to the record room on the 8th May 1913 and that most of the records had been formed with the revenue and other miscellaneous papers pending with him, while a few which were mostly B & C reports had been submitted to the District Magistrate. He further admitted that calendars & copies of judgments were not sent to the District Magistrate in 28 cases

as required by the rules of Practice.

2. As the District Magistrate found the Amildar's explanation unsatisfactory, he granted him privilege leave for a month to which he was entitled pending orders of Government, but the Revenue Commissioner cancelled the leave on the ground that such grant was contrary to the orders of Govt.

3. The Chief Court ~~to whom~~ on a perusal of the Dt. Magis' inspection notes ~~the explanation was submitted~~ called for ~~from him~~ an after explanation from the Amildar as to why no orders were passed in a case until the 25th April 1913, although the case had been closed on the 6th January 1913 & why the Amildar violated the provisions of the Rules of Practice ~~in~~ by not recording his orders in the order sheets. ~~They consider that both~~ The Chief Court consider that both the explanations are unsatisfactory and are of opinion that the

(HP) 15,000—13-11-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Amildar is not fit to exercise ~~any~~ magisterial powers.

4. On a careful perusal of the whole correspondence, Government observe that the explanation of the Amildar is perfunctory and does not touch all the points requiring explanation. They are of opinion that as matters stand, there is reason to believe that the Amildar is guilty of gross negligence ~~Gent~~ in (1) not writing judgments within a reasonable time after closing the case, (2) not sending calendars of cases decided within the time required by the rules, (3) not keeping criminal records in their proper places but carelessly ~~s~~ storing them among other papers and (4) in his failure to reply to the Dt. Magistrate's queries promptly. They therefore consider that further enquiry is necessary and accordingly direct the Deputy Commissioner and District Magistrate

to call upon the Amildar to submit a detailed explanation on all the points referred to above and submit it for further orders with his own opinion touching the matters in question and the motives, if any, which prompted the Amildar to keep back the records and withhold the submission of Calendars of judgments. The Dt. Magistrate is also requested to see whether the judgments now placed in the records of each case correctly indicate the decision that was really passed.

after such further investigation & inquiry as he may consider necessary, to

Govt. Government further direct that pending their orders on such enquiry, the Amildar Mr Venkatnarsaiya be kept under suspension from the date on which he was relieved of the charge of the Shikarpur Taluk.

SDA Secretariat 11/8

11/8/13

To
The Dt. Magte Shimoga
" Comptroller in Mysore
" Revenue "
" Registrar, Chief Court

GPB—15,000—13-11-11

Confidential

Cts 347-12-7 91

From

The Deputy Commissioner,

Shimoga District.

To

The Secretary

to the Government of Mysore,

General and Revenue Departments.

Dated Camp Mysore 14th October 1913.

Despatched

Received

General No. C. 105

No.

Enclosure No. one.

Referring to para 5 of Government Proceedings No.J.544-7 Cts.347-12-6 dated 12th August 1913 Submits further report on certain irregularities on the part of Mr. H.Venkatanarasayya, Amildar Magistrat of Shikarpur in dealing with judicia records.

GPB—50,000—26-9-12

43

No. C.105/Rev.

Office of the Deputy Commissioner,
Shimoga District,
Dated Camp Mysore 14th October 1913.

From

K.Matthan,Esquire.,B.A.,
Offg.Deputy Commissioner
and District Magistrate,
Shimoga District.

To

K.R.Srinivasa Iyengar,Esquire.,M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments,
Camp Mysore.

Sir,

With reference to para 5 of Government Proceedings No. J.544-7/Cts.547-12-6 dated 12th August 1913 calling for a further report after needful investigation on certain irregularities on the part of Mr.H.Venkatanarasayya,Amildar Magistrate of Shikarpur, in dealing with judicial records,I have the honour to state that an order was issued to him on 19th August 1913 in pursuance of the Government order,to submit his explanation on the points referred to therein,so as to reach me not later than the 31st idem. As his explanation was not received on that date,a reminder was sent to him on 1st September 1913 for submitting his explanation before the 10th September,to enable me to conduct the necessary enquiry at Shikarpur on or about that date. An opportunity was also offered to Mr.Venkatanarasayya to be present at Shikarpur during the enquiry.

2. I camped at Shikarpur on the 10th and 11th of September. Mr.Venkatanarasayya's explanation not having been received even then,a complete enquiry was not possible. But I sent for the parties connected with the cases in which calenders had not been sent,with a view to ascertain whether the judgments now found on the records agree with the decisions actually given. A few of these persons were not available having died or left the Taluk,but the parties connected with the marginally-noted cases

were

Cases Nos. 32,35,63,72,88,89,90, 97,98,112,114,115,117 and 120 of 1909-1910.
Case No:3 of 1910-11.
Cases Nos. 4,5, 19,71,72,73,74, 76,85 and 90 of 1911-1912.

were present. In each of these cases the judgments were found to be in accordance with the decisions actually pronounced. It was also ascertained on enquiry that in cases where fines were inflicted, the fines had been duly credited or steps taken to recover them. In one case a party produced the blank copying sheets which he had presented to the Amildar Magistrate for copy of ---- judgment, and said that in spite of repeated requests the Amildar put him off without granting him a copy.

3. Mr.Venkatanarasayya's explanation was received in this office on the 15th September 1913. A copy of it is herewith forwarded for perusal. Paragraphs 10 and 11 of the explanation attempt to explain how the Amildar had with him papers that had been shelved by the gumastas, but do not show how a large number of judicial records remained with him without being sent to the Record-Room for being filed. In para 16 of the explanation, Mr.Venkatanarasayya denies having made an admission of the nonsubmission of calendars of cases disposed of by him to the District Magistrate. This denial is however at variance with his explanation which was forwarded to the Chief Court with this office docket No.388 dated 20th July 1913, wherein he has clearly admitted the nonsubmission of the calendars to this Office. The District Magistrate did not receive the calendars and the Amildar Magistrate's tappal book does not show that they were sent. The only inference that is possible is that the calendars were never sent. Mr.Venkatanarasayya's attempt to make out that the calendars may have been sent by the clerks but not noted in the tappal book is extremely disingenuous. The facts (1) that calendars and copies of judgments were not sent to the District Magistrate, (2) that applications for copies of judgments from parties were not attended to, and (3) that, as stated by Mr.K.Srinivasa Row in the enclosure to his letter No.33/R.22 dated 20th July 1913, the police were not permitted to take copies of judgments in the usual course, seem to show beyond doubt that the Amildar Magistrate was in the habit of pronouncing oral

judgments

judgments and putting off writing the judgments.

4. As to his reasons I have made confidential enquiries and am inclined to believe that he had no corrupt motives, but that it was simply due to a habit of procrastination. The statement that a large number of judicial records happened to be mixed up with his papers without his knowing it cannot possibly be believed by any one who is familiar with the methods of work in Taluk Offices. The circumstances that the calendars were not sent for the very cases of which the record were thus said to have been found with the Amildar shows that the recor were ~~not~~ most probably taken home by the Amildar Magistrate for writing judgments, but that he put off doing so, and they remained with him.

5. Mr.Venkatanarasayya ~~says~~ states in para 12 of his present explanation that he was merely directed by the District Magistrate to restore the missing files to the records and that he thought that no explanation was due from him. But the orders issued from this office were very peremptory and required him in unmistakeable terms to send the tappal books of three years for examination and also submit his explanation regrading the irregularities and omissions observed during the inspection of the court. He was also informed that if he failed to submi his reports immediately the matter would be reported to Government. In these circumstances his statement that he thought that no further action was necessary beyond restoring the records to the office cannot possibly be believed.

6. Many of the matters dwelt upon in Mr.Venkatanarasayya's explanation are irrelevant. But the line adopted by him in his explanati renders it necessary for me to make a further enquiry of the officials who handled the judicial records in the Shikarpur Taluk Office, before I can submit a final report in the matter. I have however considered it desirable to submit this intermediate report. I expect to visit Shikarpur again in the early part of November and to submit a final report before the 15th November.

I have the honour to be,
Sir,
Your most obedient servant,

Offg.Deputy Commissioner
and Magte, Shimoga District.

B.B.

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To

K.Matthan,Esquire.,B.A.,
Deputy Commissioner,
Shimoga District.

Encl to Cts-346-12-7

Sir,

I beg to acknowledge the receipt of your order No.136 dated the 19th August 1913 (received by me on the 1st current) giving cover to Government Proceedings No.J.544-7/Cts.347-12-6 dated the 12th idem placing me under suspension and directing me to submit my further explanation in the matter of certain judicial records of the Shikarpur Taluk Office said to be missing and to state inreply as follows:-

2. On the 25th of April 1913,the then Deputy Commissioner,Mr. K.Srinivasa Row,conducted the Excise sales of the Shikarpur Taluk in the Taluk office at Shikarpur. On the evening of the same day,while I was engaged in the sales,one of the Taluk officials came to me with a slip from the Police Superintendent(Mr.B.Ramaswamiah) who had also come with the Deputy Commissioner for the inspection of Taluk Police office,requiring the file of a certain police case and told me that that file could not be found in the Record room. I directed the officia to make a thorough search in the records with the help of the Record keeper and let me know the result. At about 8 O'clock the same evening when I had gone to the Deputy Commissioner to the Travellers' Bungalow the Deputy Commissioner told me that a certain Police file which was wanted by the Police Superintendent was reported to him as not forthcoming in the records,and directed me to see to it the next morning.

3 On the morning of the 26th April 1913 the Deputy Commissione in company of the Police Superintendent left Shikarpur for Honnali and bofore he took his seat in the motor car,the Deputy Commissioner reminded me about the file above referred to.

4 After going to office that day,I sent for the Record-keeper and asked him if the file wanted by the Police Superintendent was found. He replied in the negative. Then the idea of searching for the file among the papers that I had struck me. I searched in one of the two daftars of papers that were then with me and the file required was found. I sent that file immediately to the Deputy Commissioner's judicial

judicial clerk who was then at Shikarpur for submission to the Deputy Commissioner.

5 I will represent later on, at some length, as to how the said daftars of papers came to my possession. In the meanwhile and at this stage of the case, I beg to submit for consideration whether or not, the charge laid at my door of having mislaid or lost a certain number of judicial records is an after-thought, got up at the connivance and misrepresentation of the officials under the circumstances above represented.

A week or so thereafter, I received an order from the Deputy Commissioner directing me to report the number and date of my report with which the calendar with copy of judgment was submitted to the District Magistrate in the case, the file of which was wanted by the Police Superintendent. Then I sent for the judicial "To" register, and examined it. I did not find any entry in it of the submission of any calendars in any case. I then sent for the tappal book and went through it. I found some entries of the submission of calendars in some cases but not of the particular case that was wanted. I found a few slips attached in this book showing the names of the peons by whom the covers were sent to the Post Office and giving the description of the papers contained in the covers. I then enquired of the concerned clerk if there were any such slips kept separate without being pasted on in the book and if there was a 2nd tappal book. He being new to the work made a search of his papers and told me that he found no slips of the kind, nor another tappal book.

7 About a fortnight or so, after the receipt of the order referred to in the preceding paragraph, another order was received from the Deputy Commissioner, noting the numbers of certain judicial records which were said to be not found during his inspection of the Records on the 25th April 1913 and directing me to cause a thorough search in the office and restore the files. In the meanwhile, I had disposed of the papers that were with me and had also sent to the records the judicial files that were found among those papers.

8 It was troubling my mind as to why the Deputy Commissioner who had expressed his appreciation of my work in the several Departments of the Taluk Office, more than once, and again for the last time,

on

on the 25th of April 1913 at the termination of the Excise sales should have become displeased with me, and aggrandized a small matter by making it appear in my back in his subsequent orders that he found at the time of his inspection certain judicial records missing, and that without asking me a word about it when he had camped at Shikarpur on the 25th of April 1913 for the Excise sales. I was at the same time alive that I was serving an officer who was ever changing in his opinion as regards his subordinate officers. When I was so labouring I learnt from one of my subordinate Police Officers that the acting Police Inspector Ramaswamiah had carried tales against me to Mr.B. Ramaswamayya the then Police Superintendent when both of them, after leaving the Deputy Commissioner at Thogarsi enroute to Siralkoppa on the morning of the 24th April 1913 (the day prior to the Excise sales) travelled on to Narsapur for the inspection of the Sub-Station there at. The gist of the tale was that I was taking bribes in the criminal cases and spoiling not only his prestige as a Police Officer, but also the Police cases, and that I had not yet returned to the records certain judicial files in which I had taken bribes. This information fully accounted for the displeasure of the Deputy Commissioner towards me, and for the change of the opinion he had of me.

9 | I will now explain as to how and why the acting Police Inspector Ramaswamiah became my enemy in the Taluk and cherished ill-will towards me. In the Criminal case (Government vs Kari Yelli) of 1912-13 known as Udagani theft case, which was investigated by the said Police Inspector, certain grave irregularities were discovered during the trial of the case, which the Police tried to pass over smoothly without bringing the same to the notice of the court. On the 22nd or 23rd of January 1913, I remember, the Patel of Udagani seized a certain jewel from the person of accused Kari Yelli, which was pointed out by complainant Bhageerathamma to be her property stolen from her house some months previously and a mahazar therefor had been drawn up. Till the 28th of the same month, nothing further was shown to have been done in the case. On the 29th idem, certain other ornaments were said to have been recovered by the very same patel from those who were the witnesses of the mahazar document above referred to, and to whom the accused is said to have sold them. On the 30th the pâlice was said to have appeared on the scene and taken up the case on hand. Of the mahazar

witnesses

witnesses, the shanabhog, the patel and others denied the execution of the document, some pleaded inability to remember and a few more spoke to its execution. The Police Inspector was reluctant that the court should examine the witnesses touching the mahazar and other pertinent details. On one of the sittings of the case, there was hot discussion between the court and the Police Inspector who tried to hush up every thing connected with the said mahazar. In his special diary of this case for that day, the Inspector wrote against me, and on the margin of the same diary. I brought to the notice of the Police Superintendent, the insolent behaviour of the Inspector and the irregularities committed by him in the investigation of the case. The case ended in the acquittal of the accused, but before pronouncement of the judgment, the Inspector had the audacity to approach me one day at my place with a prayer that the accused should be convicted, as otherwise it would go against him as an investigating officer. The seed of enmity between me and the acting Police Inspector was sown in this case and the same was ripened to maturity in the subsequent Togarsi Jatra on the 18th and 19th of March 1913. When Mr.A.V.Ramanathan, the then Sub-Divisional Assistant Commissioner, Dr.Karve, the District Health Officer and myself were going on the evening of the 18th of March 1913 in the street at Thogarsi, wherein the merchants from Hubli had opened in the jatra the copper and brass vessel shops, some of them approached us and complained that vessels had been stolen from their shops that day and that the Police had showed a deaf ear to their complaints. I told them that I would do the needful and went on my business then on hand. Next morning (19th March 1913) I sent for some of them and asked them for the details of their complaint. One of them said that he had caught hold of a thief (probably Ghantichowdi) red handed, while removing a vessel from his shop, the previous day and made him over to the Police Inspector who quietly let the thief go after detaining him for some time. I asked the Police Inspector who happened to be there just then. He told me that the so called thief was a Lambani who had been fully drunk and that therefore he let him go. Upon this I submitted a detailed memo to the Police Superintendent regarding the perfunctory work of the Inspector and suggested his transfer elsewhere in the interest of public duty. It will thus be seen that in order to gain his end and to wreak his vengence on me, Police Inspector Ramaswamiah found in Mr.B.Ramaswamiah, the then Police Superintendent, the proper person to attempt to undermine me through the

Deputy

Deputy Commissioner by carrying tales against me on the 24th of April 1913 as stated in para 8 ante.

10. I will now explain as to how certain Revenue, Judicial and other papers happened to come to my possession. It was the standing order of the Deputy Commissioner that the Amildar should occasionally examine the papers pending with the officials with a view to expedite their disposal and keep the officials in proper trim. No amount of warnings and threats brought the officials to their senses. The habit of shelving papers was predominant in each and every official. What I used to do therefore was to go frequently to the seats of the officials examine their desks, take all the papers that they had accumulated and dispose of them in due course. This is one way by which I got the papers into my possession.

I also knew that inspite of said precautions, papers used to be kept away out of reach of anybody by depositing them in a lumber room or in some old box hidden from view. What I was therefore doing was to inspect occasionally each and every room of the Taluk Office in my round of morning inspection of the town and of public buildings. To quote an instance—On the morning of the 2nd of November 1912, I inspected the Taluk office buildings. While passing round the strong room of the Treasury, I saw a big rattan box lying in a dark corner. I opened the lid and found to my surprise that the box was full of papers and files of all sorts. In my previous inspections, that box was not there. I closed the lid as before and went away. After coming to office in the noon, I had the box brought to me. I examined a few papers and found that there were both disposed of and undisposed of papers. Having picked up a bundle for disposal, I sent the box of papers to the Sheristedar with my orders recorded on a half sheet of paper which I beg to submit herewith for kind perusal. This half sheet of paper was found the other day in my office box. On another occasion, prior to the instance above quoted, I found a big daftar of papers in the store room concealed in the midst of blank printed forms etc. I took that daftar to my possession and disposed of the papers in my leisure hours for nearly 3 or 4 months. I have nothing in black and white with me now to substantiate that instance. This is the 2nd way by which I came in

possession

possession of office papers.

//. I must acknowledge that I was unpopular among the official public of the Taluk. No less than 5 shanbhogs suffered under me. Some of them were suspended and others were dismissed for embezzlement of Government money etc. No less than 7 patels suffered, of whom some were convicted for embezzlement of Government money and dismissed and other were suspended. One Revenue Gumasta was convicted for embezzlement of Government revenue and dispissed and two Revenue gumastas were suspended for embezzlement of Government money and transferred elsewhere. The Municipal mutsaddy was suspended for receipt of illegal gratification and a Municipal peon was dismissed for defalcation of Municipal revenue.

The above formidable list of awardal of punishments in the case of the officials rendered me unpopular among the officials. I would have gained popularity very cheaply among the officials also, had I only brought my mind to connive at their nefarious actions. But my inward man would not stoop to do such a thing and hence the present trouble for me

The population of the taluk is 64,000, distributed over 167 populated villages, the total number of villages being 200. Not more than a dozen anonymous petition writers may be found in the taluk both among the official and non-official public. I respectfully beg to submit that such petitions should not be taken into consideration to judge of my honesty and integrity in my work as a Public Officer. The public of each village may be examined on the point. I have the inward satisfaction of having served the public and the Government keeping my heart pure and my hands clean, no matter if I am made to suffer for my work, spoken of to be honest and efficient by all the officers under whom I had the honour of serving and lastly by a Deputy Commissioner of the stamp of Mr.K.Srinivasa Row who recently retired from service after making I believe, an unfavourable report against me, though he had assured me personally, as I will show later on in the following paras, that he would make a favourable report.

/2. A copy of the notes of inspection of the Taluk Office by the Deputy Commissioner on the 25th of April 1915 was sent to me with a direction to cause a thorough search made in the office and restore the

files

files said to be missing. As I had restored the files before the receipt of the above orders, I thought that no further action on my part was required in the matter. But to my surprise, the Deputy Commissioner sent me on the 10th of July 1913, a copy of the Government telegram with a direction to hand over charge of the Taluk to the shoristedar and appear before him at Shimoga to give my explanation as regards certain judicial files said to be missing. I obeyed the orders and appeared before the Deputy Commissioner at Shimoga on the evening of the 11th July 1913.

13. I was asked to go to the Deputy Commissioner the next morning. On the morning of the 12th July 1913, I explained to the Deputy Commissioner what was meant by the missing of the judicial records and represented to him that the acting Police Inspector Ramaswamiah amd Mr.B.Ramaswamiah, the Police Superintendent were at the bottom of it working against me through him (Deputy Commissioner) and also the why and the wherefore of it as detailed in para 9 supra. In the afternoon of the same day, the Deputy Commissioner placed into my hands an anony- mous petition that had been received against me to the address of the Dewan and directed me to write my answers to each para of the petition, which I obeyed. On Monday the 14th of July 1913 the Deputy Commissioner spoke to me in the following terms:-

" After learning from you the day before yesterday, I called for the papers from the Police Department and read them. I see that there has been a regular warfare, as it were, between you and Inspector Ramaswamiah. I am very sorry for what has transpired. I did not know this before. That black-guard Sanketi (Mr.Ramaswamiah, the Police Inspector is a Brahmin of the Sanketi caste) has played this mischief. He wanted to devour me 5 years ago and he would have devoured me then, if I was not careful. I did not therefore allow him to approach me. But Mr. Ramaswamiah (the Police Superintendent) took pity on him and wanted to encourage him. Are you entitled to the casual leave? If so, I will grant you such leave and send you back to the Taluk in a day or two. I am a going man. If he (Inspector Ramaswamiah) is allowed to remain in the Shikarpur Taluk, there will be no end to anonymous petitions and his mischief. I will see that he goes out of the Taluk forthwith."

On

14. On the 15th and 16th of July 1913, I attended the Deputy Commissioner's office. On the 17th idem, the Deputy Commissioner directed me to write out my expalnation and to compare the numbers of the alleged missing judicial records with the Tappal book, and note down the result in my explanation. I obeyed the Deputy Commissioner orders and handed over my explanation to the Judicial Head Clerk for submission to the Deputy Commissioner. // On the morning of the 19th idem, I paid my respects to the Deputy Commissioner at his quarters. Then he was pleased to tell me as follows:-

" The Government have authorised me either to send you back to the Taluk or to submit a report. I have not the slightest objection to send you back to the Taluk under the circumstances of the case. I am retiring in about 3 or 4 days. In case, I should send you back, there is sure to be anonymous petitions. What I would therefore advise you is that you should apply for a month's privilege leave and ask for a transfer. I will grant the privilege leave in anticipation of sanction and submit a favourable report for the orders of ---- Government. Consider my advice well and let me know your decision at any time in the course of the day."

Having known the turn of mind of the Deputy Commissioner, I went to him on the evening of the same day (19th July 1913) and presented to him an application for a month's privilege leave. The Deputy Commissioner was kind enough to permit me to go on leave.

16. Coming to the Government Order in question, it is stated at the end of para 1 thereof, that I have admitted in my first explanation that calendars and copies of judgments were not sent to the District Magistrate in 28 cases. But I respectfully beg to submit that I have made no such admission in my explanation. All that I have therein stated is that on examining the tappal book as directed by the District Magistrate personally, a note of the submission of the calendars and copies of judgments was found therein in a few cases, while in the remaining cases, no such note was found therein. In this connection I beg to submit that the tappal book is not the document to be relied upon. It is within my experience that calendars with copies of judgments when they are ready are shoved by the official into a cover which he sends off to the Post Office without making any note of it anywhere. The

same

The same course must have been adopted in the few cases in question, I respectfully beg to submit.

17. In para 3 of the Government Order it is noted that in a criminal case which had been closed on the 6th January, no orders were passed until the 25th of April 1913. This was case No.39 of 1912-13. (Rama vs Hala) under section 323 Indian Penal Code. The case had been closed on the 5th February 1913 and not on the 6th January 1913. On the 5th February it was adjourned to the 24th February, as I had Huzur Jamabandy duty in the interim, on the adjourned date viz.24-2-1913, I was absent from head quarters and the court clerk adjourned it to the 26th February 1913. On the latter date the parties were absent and orders were passed for the issue of notices to them. Notices were not served on the parties and the case stood adjourned from day today. The parties did not put in their appearance until at last I secured their presence through the village Patel and passed orders in the case. Thus it was that the delay was caused in this case.

In three other cases (Nos.35,53 and 87 of 1912-13) orders on only a few dates had been noted in the order sheets by me and orders of a few other dates had not been noted on the date of the Deputy Commissioner's inspection. I admit that this indicates negligence on my part, but it is not a wilful one. Before submitting the files of the three cases for the examination of the Deputy Commissioner's judicial clerk, the court clerk should have brought the files to me for completion of notes in which case the matter would have gone easy. But as pointed out in para 11 ante, I was unpopular among the official class.

18 Para 5(1) and (2) of the Government Order-Paras 16 and 17 of this explanation answers the observations made therein.

Para 5(3) of the Government Order-Para 18 of this explanation answers the observation made therein, and

Para 5(4) of the Government Order-Para 12 of this explanation answers the observation made therein.

19. In conclusion, I most respectfully beg to submit that it pains me most keenly that I should be punished for the hard, honest and intelligent work that I did with the utmost care and vigilence as an Amildar in a bad Taluk like Shikarpur where corruption and factious spirit

spirit are uppermost in the minds of one and all. The delay in writing out the order in a criminal case and the omission to keep the order sheets of 3 criminal cases upto date, noted upon in para 17 ante are faults enough, but they are not wilful and negligent ones. To err is human and I am a human being. I most respectfully request therefore that the Government will be pleased to pardon me and cancel the order of suspendion and restore me to my appointment. For this act of kindness, I shall ever be gratoful.

I beg to remain etc.,

Sd. H.Venkatanarasayya.
Amildar.

Rayasandra.
9th September 1913.

"Copy"

To
Offg. Deputy Commissioner
Shimoga District

1913.

From The Deputy Commissioner
and District Magistrate,
Shimoga.

Rec'd 5.20

To The Secretary,
to the Government of Mysore
General and Revenue Depts.
Bangalore.

Dated 15th
Despatched 19 November 1913.
Received

General No. 236/J.20.
No.

Enclosure No. 236/J.20 Enc. 5.

Submits further report
on the subject of certain
irregularities in the Magisterial
work of Mr. H. Venkatanarasayya
late Amildar of Shikarpur Taluk

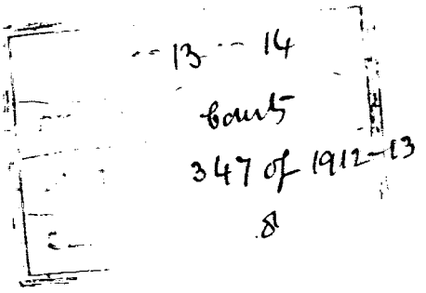
57

No.236 Enc.5.
J.20

Office of the District Magistrate,
Shimoga,
Dated Shiroga 15th November 1913.

Tg

J 1553



From

K.Matthan,Esquire.,B.A.,
Deputy Commissioner and
District Magistrate,Shimoga.

To

K.R.Srinivasa Iyengar,Esquire.,M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

Adverting to the last para of my letter C.No.105 dated 14th October 1913 on the subject of certain irregularities in the magisterial work of Mr.H.Venkatanarasayya,late Amildar of Shikarpur,I have the honour to state that I have made further enquiry into the case. The Taluk Sheristedar,the Record Keeper and three officials who performed the work of Judicial Gumasta in the Taluk during the time that Mr.Venkatanarasayya was Amildar have been examined and copies of their statements are herewith sent.

2. The further enquiry held fully confirms the opinion already framed by me that the reason why a number of records relating to cases that had been disposed of remained with Mr.Venkatanarasayya was that he had not returned written out judgments in these cases. From the statements of the officials who were performing the duties of judicial gumasta it is apparent that Mr.Venkatanarasayya was in the habit of pronouncing judgments in criminal cases orally and writing them out afterwards; that the records in these cases would generally be returned with judgments a few days afterwards,but that in a number of these cases judgments were not written out for a very long time.

3.

3. One imporatant fact that has come to light during the enquiry is that although Mr.Venkatanarasayya in his explanation states that the records of the cases which were found among his papers were returned to the Record Room before the receipt of the Deputy Commissioner's order about them, and within a fortnight of the date of the Deputy Commissioner's inspection (para 7 of the explanation), and although the registers kept by the Record Keeper show that all these records were passed into the Record Room on the 8th May 1913, they were actually handed over to the Record Keeper only after Mr.Venkatanarasayya left the Taluk for good in July 1913, and that the antedating was done under the Amildar's special directions. From this it is clear that Mr.Venkatanarasayya has been wanting in veracity and that the statements contained in his explanation cannot be entirely believed.

4. That the Amildar has been guilty of gross negligence in respect of the four points referred to in para 5 of the Government Order :-viz.(1) in not writing judgments within a reasonable time after closing the cases (2) in not sending calendars of cases that were disposed of, (3) in not keeping criminal records in their proper places, and (4) in failing to reply promptly to the District Magistrate's queries, is, in my opinion conclusively proved. The fact that he was pronouncing judgments orally and only writing them out afterwards is another serious irregularity.

5. As to the motives and reasons which prompted the Amildar to keep back the records and withhold the submission of cadenad calendars, the fact that judgment had not been written out in these cases sufficiently explains the matter. Having in view the statement of Mr.K.Srinivasa Rao who knew the work of the Amildar personally that neither he nor any of the Sub-Division Assistant Commissioners had reason to suspect the Amildar's honesty, I do not think it necessary to seek for any other reasons beyond this. I may add that I have gone through the records in some of these cases, and considered

the

Statement of Venkata Rao,Revenue Gumasta,Shikarpur Taluk, dated 12th November.1913.

I was doing the duties of judicial gumasta from December 1912 to September 1913. During the District Magistrate's inspection of the court in 1913,I was the judicial gumasta. The District Magistrate sent word for a particular record. It was not with me and it was not found in the Record Room. A number of old records were found not to have been sent to the Record Room and they were also not with me. The records of the period that I was doing the duties of judicial gumasta were with me and these along with those of the period when Hanumantha Rao was doing the duties of judicial gumasta were produced by me at the time of inspection. The records of 1912-13 that were with me have not yet been handed over to the records. Those of 1911-12 which had been with my predecessor Hanumantha Rao were handed over to the records in the month of July 1913 after Mr.Venkatanarasayya left the Taluk. These were all in a box in the Amildar's room and the sheristedar told me to have them arranged and handed over to the Record Room. I pointed out that they related to a time when I was not judicial gumasta. The sheristedar said he would get the indexing etc.,done by Hanumantha Rao and wanted me to assist him. The Amildar used to invariably pronounce judgments after writing them(Afterwards correcting himself,he says) In some cases he used to pronounce judgments after writing them and hand over the records to me. In other cases in which judgment was pronounced he would tell me that he would hand over the records after writing the judgment. From this I infer that in ~~some~~ those cases judgment had been pronounced orally before being written out. As I do not know English the Amildar used to get the calendar and copy of judgment prepared by any other clerk. These would be handed over to me and I would note them in the Tappal book and despatch them. I never used to despatch any calendar without entry into the Tappal book. Sometimes the Amildar would say that he would send the calendar and copy of judgment from camp and would take the records with him to camp. On return from camp sometimes the records would be given to me, the Amildar telling me that the calendar and copy of judgment has

been

been sent from camp. I do not remember any cases in which copies of judgments had been applied for by parties but could not be given because judgments had not been written.

Translated into canarese and read out and admitted correct.

Sd. Venkata Rao.

Gumasta.

The records of 1911-12 which were produced by me at the time of inspection were taken by me before the sheristedar after Mr. Venkatanarasayya left the Taluk. They a were all indexed etc.,and kept near the box referred to in the Amildars court room. The sheristedar told me that they should all be handed over along with the records in the box. I did so.

Translated into canarese ard admitted correct.

Sd. Venkata Rao.

Gumasta.

In regard to case No.88 of 1909-10,the records of which had been asked for by the Deputy Commissioner on the date of inspection and could not be produced,one or two yadis were received from the Police for copy of judgment. Whenever I reminded the Amildar about it he would put me off saying that it would be locked into later on.

Translated into canarese and admitted correct.

Sd. Venkata Rao.

Gumasta.

"Before me"

Sd. K.Matthan.

12th November 1913.

' COPY. '

Matthan

~~For~~ District Magistrate,

Shimoga.

B.B.

62

Statement of N.Krishna Iyengar,Head clerk,Assistant Commissioner's office,Sagar.

When Mr.H.Venkatanarasayya,Amildar,Shikarpur Taluk,handed over charge of the Taluk to me,he gave certain Revenue and Judicial records into my hand and said that some more judicial records were in a box in his office room. The judicial gumasta was asked to take the records and send them on to the Record Room in the usual course.

~~When~~ Mr.Venkatanarasayya instructed the Record Keeper about the 1st week in July to antidate receipt of some judicial records into the Record Room. I happened to be present at that time.

After the departure of Mr.Venkatanarasayya from the Taluk i.e. in the 2nd week of July 1913,the Record Keeper told me that the Amildar had sent him some judicial records in an incomplete condition i.e.without being arranged and indexed. I at once directed the judicial gumasta and two other officials who were conversant with the judicial work to assist the Record Keeper.

Sd. N.Krishna Iyengar.
15th November 1913.

Before me.
Sd. K.Matthan.
15th November 1913.

" COPY."

~~For~~ District Magistrate,
Shimoga.

B.B.

Statement of Siva Rao,Record Keeper,Shikarpur Taluk,dated 12th November 1913.

I have been Record Keeper of Shikarpur Taluk Office since about August 1909. The judicial records were as a rule being handed over to me by the judicial clerks,but the records of 59 Regular and 10 Miscellaneous cases relating to 1909-10,1910-11 and 1911-12 were not so handed over. They were in a box in the Amildar's court hall and the sheristedar asked me to take charge of them. This was on the day after the Amildar left Shikarpur handing over charge to the sheristedar as per orders of the Deputy Commissioner. After that the Amildar did not return to Shikarpur. On the day the Amildar started for Shimoga,the Amildar had sent for me and told me to take charge of these records and also to note them as having been received in the Records Room some day after the date of the Deputy Commissioner's inspection in April 1913. He did not tell me any particular date but I put them down as received into the Record Room on the 8th May. The records so taken over by me on the day after the Amildar left and shown as having been received on the 8th May are the following:-

Regular Cases.

1909-10. 34,35,56,63,69,72,76,87,89,97,98,104,112,114,115,117.

1910-11. 3,42.

1911-12. 19,45,60,63,64,68,71,72,73,74,76,77,78,79,80,81,82,83,84, 85,86,90,91,92,93,94,95,96,97,98,99,101,102,103,104,105, 107,109,110,111 and 112.

Miscellaneous cases.

1910-11. 5,7 and 8.

1911-12. 15,17,21,22,23,24 and 25.

Some of these records were found to be incomplete,that is,without index and pherist sheets and I said that I would ~~x~~ take charge of them if they are completed and given. Then the sheristedar got these things written up by Seshagiri Rao,Gundu Rao,Hanumantha Rao and some others I do not remember now. The sheristedar at the time was N. Krishna Iyengar and all these facts are within his knowledge as well

as

asas within the knowledge of the other Taluk officials. I do not know when that box of records came into the court hall or who put it there. Since that date no judicial records have come into the Record Room.

Translated in canarese and admitted to be correct.

Sd. Siva Rao.

Record Keeper.

"Before me"

12th November 1913. Sd. K.Matthan.

" COPY."

Matthan

~~For~~ District Magistrate,

Shimoga.

B.B.

Statement of Seshagiri Rao, Junardar, Shikarpur Taluk, dated the 12th November 1913.

I have been doing judicial gumasta's work in this office from the year 1908-09 till May 1911 and from January to May 1912 and since October 1913 up to date. Case No.88 of 1909-10 was disposed of in 14th May 1910. Judgment of acquittal was pronounced orally but the judgment had not been writtem and the records remained with the Amildar. Several yadis were received from the Police for copy of judgment. I used to ask the Amildar for the records and he would say he would write out the judgment and give the records to me.

The Amildar always used to pronounce judgments orally and afterwards write out judgments . Soon after a case is closed he would pronounce judgment orally. He was not in the habit of studying records before pronouncing judgment. The nature of the judgment would be written in the order sheet. He would afterwards take the record home/in his box and give them back with the judgment written, two or three days and sometimes 15 days afterwards. Some records were not returned at all. I used to remind him about those. He would say that he would write out the judgment and give the records. In all cases in which the records had been returned to me with judgment, calendars and copy of judgments were sent after entry in the Tappal book. It is possible that one or two may have been sent without entry in the Tappal book but I do not remember any such instance. Until I was sent out to act as Shekdar in May 1911, I used to keep a note of the records which remained with the Amildar. It was in my box. It is not to be found now.

The record in case No.88 of 1909-10 was handed over to me by the Amildar the day after the Deputy Commissioner's inspection after the Deputy Commissioner had left to be handed over to the Deputy Commissioner's clerk. I accordingly handed it over. I was then acting as shekdar.

If the records that were not to be found at the time of inspection records of case No.84 of 1909-10 were sent on 8th March 1910

67

1910 to the District Magistrate for enhanced punishment. This is seen from Register No.I which I have now produced.

Translated into canarese and admitted correct.

Sd. S.N.Sorab.

Junardar.

" Before me"

Sd. K.Matthan.

12th November 1913.

" COPY."

Matthan

~~For~~ District Magistrate,

Shimoga.

B.B.

Statement of Hanumantha Rao,Gollar,Shikarpur Taluk,dated 12th November 1913.

Im now working in the Records assisting the Record Keeper. From June to November 1911 and from 22nd May to 15th November 1912 I was doing the duties of the Judicial Gumasta. In all cases disposed of by the Amildar during this period,that is, in all cases in which judgments were pronounced,the Amildar gave me the records with the judgments soon after pronouncing judgments. These records were indexed and completed by me and given to my successor and by them handed over to the Records. The Amildar Mr. Venkatanarasayya's practice was to pronounee judgments orally in court and to write out the judgment in his house the same evening or the next morning or within two or three days. I used to be required to attend while he was writing judgments to read out depositions etc.,to him. I do not remember any instance in which judgment was written out before it was pronounced. Soon after the judgments were written by the Amildar I used to prepare copies and send them with the calendars to the District Magistrate. They used to be entered in the Tappal book and despatched. It is possible that in one or two instances they might have been despatched without entering in the Tappal book,but I do not remember any such instance.

Translated into canarese and read over and admitted correct.

Sd.N.Hanumantha Rao.

Golla.

In regard to case No.88 of 1909-10,the records of which had been asked for by the Deputy Commissioner on the date of inspection and could not be produced,two yadis were received from the Police for copy of the judgment in the case,I reminded the Amildar about it. The Amildar would tell me that the judgment had not yet been written out and that he would write it and give me the records.

Translated into canarese and admitted correct.

Sd. N.Hanumantha Rao
Golla.

"Copy"
for District Magistrate

"Before me"
Sd.K.Matthan.
12-11-13.

57/-

Passing orders on Mr H. Venkatanarasiah's [illegible]

G.R.S. 28]

17/V
1583

ab

Diary No. of letter replied to

65 File No. 347/1912
Serial No. 9

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

the 191

7 Copies

Date of issue

Signed by

ORDER THEREON. No.

0

READ again -

Govt Procs No J 81-4/CS 347-12-2

Dt the 8th July 1913 passing orders in connection with the missing records in certain criminal cases in the Amildar Magistrate's court at Shikarpur

2) Govt Procs no J 544-7/CS 347-12

Dt the 12th Aug 1913, directing the Deputy Com & Dist. Magistrate of Shimoga to call upon the Amildar Mr H. Venkatanarasiah to submit

P.T. over.

SUBJECT.

69

detailed explanation on all the points
mentioned
referred to in the G. O. read above
and after such further investigation
and enquiry to submit a full
report with his own opinion touching
the matters in question and the
reasons, if any, which prompted
the Amildar to keep back the
rents and withhold the submission
of Calendars of Judgments and
directing that, pending their orders
on such Enquiry, M. Venkata
ramaniah be kept under suspension
from the date on which he was
relieved of the charge of the Shekarpur
taluk, viz., 11th July 1913.

3) Letter No. 236/920, of the 15th
Nov. 1913, from the Dist. Magistrate
of Shimoga forwarding the report
called for above.

Order thereon - No. J 2342-5 d. 14.2.14.

The District Magistrate reports
once further investigation that
decrees have already passed that

IV Papers under disposal

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

the Amildar is clearly guilty of gross negligence in regard to the four points referred to above, viz., (1) not hiring pinjarees within a reasonable time after closing the case (2) not sending up Calendars of decided cases within the reqd time (3) not seeing that Criminal records were kept in their proper places and (4) failure to reply to the Dist. Magistrate's queries promptly.

2. The explanation of the Amildar on these points is quite unconvincing and unsatisfactory.

3. As regards the motives which prompted the Amildar to keep back the records and withhold the submission of Calendars, Govt accept the opinion of the Dist. Magistrate that the Amildar's negligence is attributable to his habits of procrastination.

4. It also appears from the Dist. Magistrate's enquiry that, though the Amildar returned the records to the Taluk Record Room only in July 1913 when he left the taluk, he caused a false entry to be made in the Registers to the effect that they were returned on the 8th May 1913.

5. After careful consideration Govt ~~decree~~ consider that ~~his~~ the suspension ~~from office~~ he has hitherto undergone ~~period of six months~~ is sufficient punishment for this Amildar and direct that he be restored to office ~~on the expiry of the period~~ and posted to another taluk.

6. His work should be kept under observation for one year, ~~after the lapse of which period~~. Govt will finally decide whether or not he should ~~be left to remain~~ continue as an Amildar.

(To be brought up informally at the next meeting of Council)

14.2.14

after being warned that ~~he should be warned~~ he should give no room for ~~to take particular care~~ ~~to be warned~~ complaints in future. After the lapse of this period

10/2/14

Draft

Sd/- for Secy to Govt

Rly-116
31-1
10-2-14

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Ed VII.

72

To

The Dy Com[r] & Dist Magistrate,
Shimoga

The Rev Com[r] in Mysre

The Registrar, Chief Court

The Comptroller, Mysore

Copy to Br I.

Restricting the period of Mr Venkataramaiah's suspension to six months

73

G.R.S. 28]

For draft

Cls File No. 347-12

Serial No. 10

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

Date of issue 15-4-14

Signed by S. R. Rajagopalachar

Sy.

READ—

Para 5 of Govt Proc no J 2342-5/Cls 347-12-9, dd the 14th Feb 1914 directing that Mr H. Venkataramaiah be restored to office and posted to another taluk the suspension already undergone by him being a sufficient punishment

ORDER THEREON.—No.

Order thereon — no. J 2976-9

In modification of the proceedings read above, Govt are pleased to direct that the period of suspension be

P.T.O. over.

SUBJECT.

74

restricted to six months from the date on which M^r Venkatanarasiah was relieved of the charge of the Shikarpur Taluk. Ltr — Rev Reg — [illegible] 2.4.14.

For Secy to Govt

To The Dy Com^r & Dist Magistrate, Shimoga

The Rev Com^r at Mysore

The Registrar, Chief Court

The Comptroller, Mysore Govt

Copy to Br I

Rep. 116

5/7-3-14

GPB—20,000—2-10-11